



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA April 27, 2011

Tom Baker Meeting Room	5:00 p.m.	City-County Building
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Item No.	Page
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MINUTES

1. Consider the approval of the minutes of the March 23, 2011 meeting of the Bismarck Planning and Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. Rock Creek 3rd Subdivision (G²)

Gibbs Township

- a. Zoning Change (A and RR to RR)..... 1

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ table ☐ deny

- b. Preliminary Plat 5

Staff recommendation: tentative approval ☐ tentative approval ☐ table ☐ deny

3. Copper Ridge 3rd Subdivision (Klee)

Apple Creek Township

- a. Zoning Change (A to RR)..... 11

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ table ☐ deny

- b. Preliminary Plat 15

Staff recommendation: tentative approval ☐ tentative approval ☐ table ☐ deny

Bismarck-Burleigh County Community Development Department

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4. **GCC 1st Addition – Preliminary Plat (JT)**.....25
Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny
5. **Meadow Lark Hill 2nd Addition Replat – Zoning Change (RT to RT & CG) (G²)**29
Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

6. **Oxentenکو Subdivision – Annexation (Klee)** 33
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
7. **Part of Sattlers Sunrise 6th Addition – Annexation (G²)** 39
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
8. **Part of Sattlers Sunrise 8th Addition – Annexation (G²)** 43
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
9. **Meadow Lark Hill 2nd Addition Replat – Minor Subdivision Final Plat (G²)**.....47
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
10. **North Hills 15th Addition Replat – Minor Subdivision Final Plat (JT)**51
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
11. **Sonnet Heights Subdivision 5th Replat (JT)**
- a. **Zoning Change (R5, R10, RT & CG to R10, RT, CG & PUD)**.....55
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
- b. **Final Plat**.....61
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
12. **Eagle Crest 4th Addition (G²)**
- a. **Annexation (part)**.....67
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
- b. **Zoning Change (A and R5 to R5)**71
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
- c. **Final Plat**.....75
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

13. **Lots 10-12, Block 5, Haight & Littles – Special Use Permit (digital billboard)(Klee)83**

Staff recommendation: deny

☐approve

☐continue

☐table

☐deny

OTHER BUSINESS

14. **Resolution of Appreciation for Jack Hegedus**

15. **Other**

ADJOURNMENT

16. **Adjourn.** The next regular meeting date is scheduled for Wednesday, May 26, 2011.

Enclosure: Minutes of the March 23, 2011 meeting
Major Building Permits Report for March 2011
Building Permit Activity Report for March 2011

**BISMARCK-BURLEIGH COUNTY
PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT**

BACKGROUND:		
Title: Rock Creek 3rd Subdivision – Zoning Change (A and RR to RR)		
Status: Planning Commission – Consideration	Date: April 27, 2011	
Owner(s): James Kessler	Engineer: Ulteig Engineers, Inc.	
Reason for Request: The owner of an existing lot located on the west edge of a platted subdivision has purchased adjoining land and wishes to consolidate the new piece with his existing platted lot. The new property is proposed for rezoning from A to RR to match the existing lot. Platting is necessary because this merger also requires the extension and dedication of Siltstone Drive right-of-way.		
Location: 4.6 miles east of US Highway 83, north of 71 st Ave (part of the SE¼ of Section 5, T139N/R79W Gibbs Township, including a replat of Lot 1 Block 5, Rock Creek 2 nd Subdivision)		
Project Size: 2.34-acres	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:		PROPOSED CONDITIONS:
Land Use: Agricultural and residential		Land Use: Residential
Zoning: A-Agriculture RR-Residential		Zoning: RR– Rural Residential
Uses Allowed: A-General agriculture RR-Large-lot, single family residential		Uses Allowed: RR-Large lot single-family residential
Maximum Density Allowed: A = 1 unit per 40 acres RR = 1 unit per 65,000 sq. ft.		Maximum Density Allowed: 1 unit per 65,000 sq. ft.
PROPERTY HISTORY:		
Zoned: May, 2005	Platted: May, 2005	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> Because the proposed subdivision is within the joint 2 to 4-mile ETA, it is subject to the joint jurisdiction legislation. As the underlying subdivision was established prior to May 1, 2009, the City has primary jurisdiction. However, Burleigh County will have the opportunity to comment and may request negotiation within 30 days of the final decision of the City Commission. 		
FINDINGS:		
<ol style="list-style-type: none"> The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include developed rural residential lots to the north, east, and south with agricultural land to the west. 		
(continued)		

2. The property included in the proposed subdivision is already developed, has an existing access to Siltstone Road, and is served by South Central Regional Water District; therefore, the zoning change will not place an undue burden on public services.
3. The proposed zoning change would not adversely affect property in the vicinity.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from A-Agricultural and RR-Residential to RR-Residential for Rock Creek 3rd Subdivision.

Proposed Plat & Zoning Change (A & RR to RR)
Rock Creek 3rd Addition

31 32 33 34

Proposed Plat & Zoning Change

DAKOTA COUNTRY DR

BROOK LN

RUNNEL RD

SHOAL DR

SKY LN

MILKY WAY RD

RR

5

80TH ST NE

4

3

A

LIMESTONE LN

RR

ROCK CREEK RD

71ST AV NE

RR

80TH ST NE

9

10

69TH ST NE

7

66TH ST NE

ROCKY RD

RR

18

17

16

15

RR

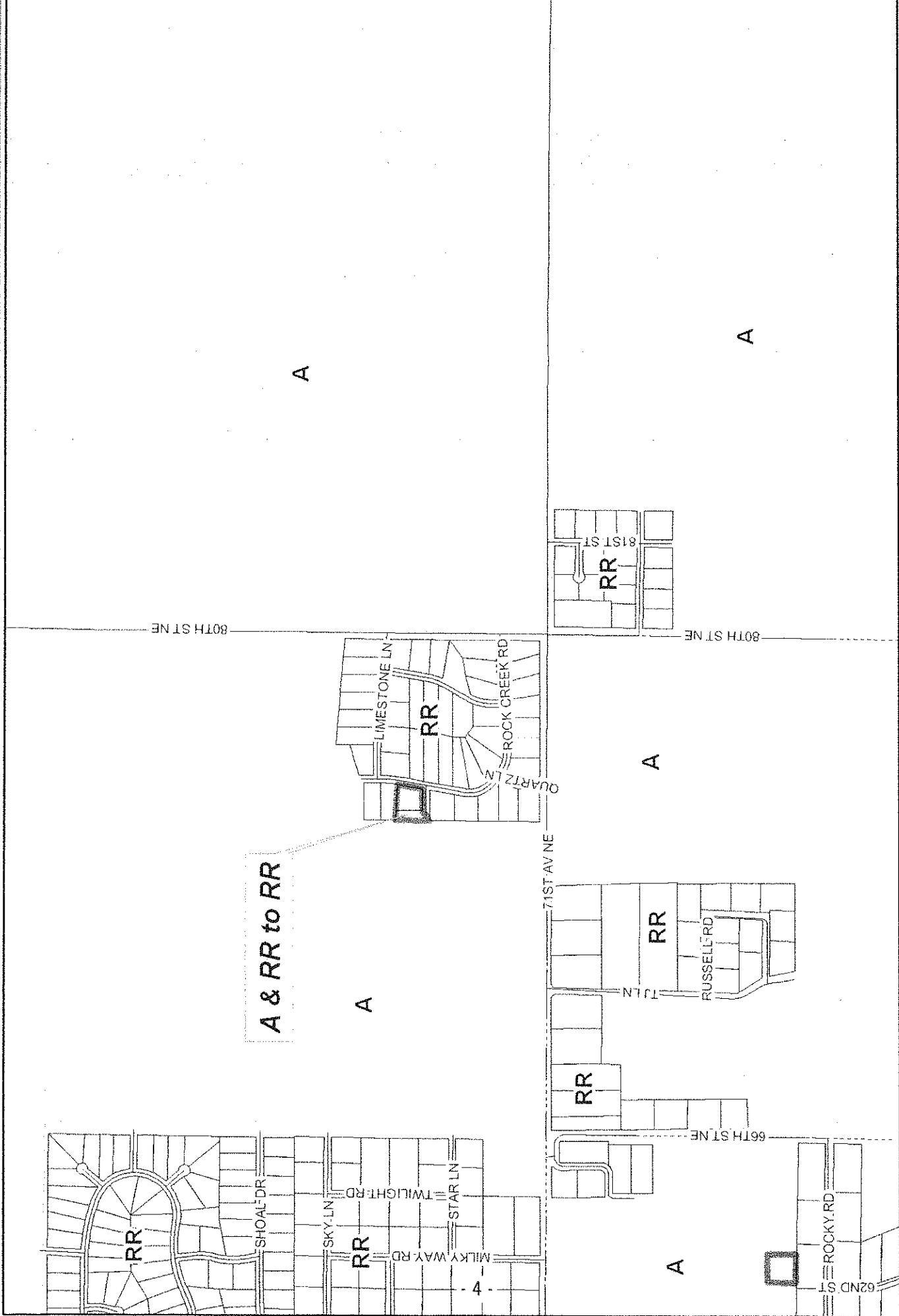
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
 Map was Updated/Created: March 29, 2011 (kdg)

Source: City of Bismarck

0 1,700 3,400 Feet

N

Rock Creek 3rd Subdivision - Zoning Change - A & RR to RR



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April 2011

**BISMARCK-BURLEIGH COUNTY
PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT**

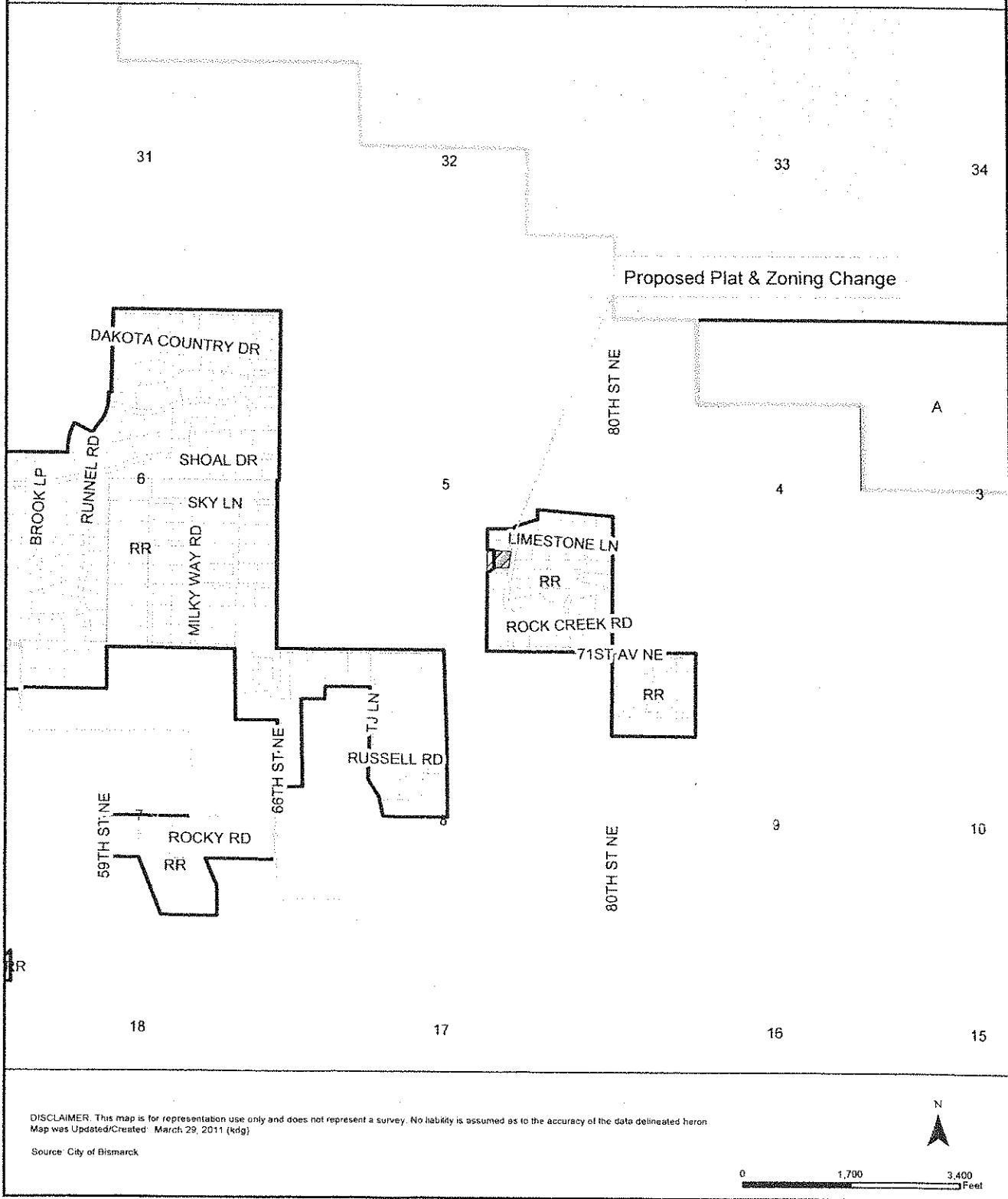
BACKGROUND:		
Title: Rock Creek 3rd Subdivision – Preliminary Plat		
Status: Planning Commission – Consideration	Date: April 27, 2011	
Owner(s): James Kessler	Engineer: Ulteig Engineers, Inc.	
Reason for Request: The owner of an existing lot located on the west edge of a platted subdivision has purchased adjoining land and wishes to consolidate the new piece with his existing platted lot. Platting is necessary because this merger also requires the extension and dedication of Siltstone Drive right-of-way.		
Location: 4.6 miles east of US Highway 83, north of 71 st Ave (part of the SE¼ of Section 5, T139N/R79W Gibbs Township, including a replat of Lot 1 Block 5, Rock Creek 2 nd Subdivision)		
Project Size: 2.34-acres	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:		
Land Use: Agricultural and residential		PROPOSED CONDITIONS: Land Use: Residential
Zoning: A-Agriculture RR-Residential		Zoning: RR– Rural Residential
Uses Allowed: General agriculture Large-lot, single family residential		Uses Allowed: Large lot single-family residential
Maximum Density Allowed: A = 1 unit per 40 acres RR = 1 unit per 65,000 sq. ft.		Maximum Density Allowed: 1 unit per 65,000 sq. ft.
PROPERTY HISTORY:		
Zoned: May, 2005	Platted: May, 2005	Annexed: N/A
ADDITIONAL INFORMATION:		
1. Because the proposed subdivision is within the joint 2 to 4-mile ETA, it is subject to the joint jurisdiction legislation. As the underlying subdivision was established prior to May 1, 2009, the City has primary jurisdiction. However, Burleigh County will have the opportunity to comment and may request negotiation within 30 days of the final decision of the City Commission.		
FINDINGS:		
1. All technical requirements for consideration of a preliminary plat have been met. 2. The Gibbs Township Board of Supervisors has recommended approval of the proposed subdivision.		
(continued)		

3. The Storm Water Management Plan has been approved by the City Engineer.
4. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include developed rural residential lots to the north, east, and south with agricultural land to the west.
5. The property included in the proposed subdivision is already developed, has an existing access to Siltstone Road, and is served by South Central Regional Water District; therefore, the proposed plat will not place an undue burden on public services.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval for the preliminary plat of Rock Creek 3rd Subdivision.

Proposed Plat & Zoning Change (A & RR to RR) Rock Creek 3rd Addition

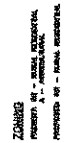


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Map was Updated/Created: March 29, 2011 (kdg)

Source: City of Bismarck

[illegible]

A REPORT OF LOS 1, BLIND & DEAF BEING INTERVIEWED AND ONE OF THE INTERVIEWERS ADVISED BY SOURCE A, HOWEVER THE INTERVIEW, DURING THE WEEK OF THE FIRST MONTH OF JANUARY, 1964, IN THE CITY OF LOS ANGELES, CALIFORNIA.



1. **PROBLEM STATEMENT**
 The problem is to design a control system for a plant with the following transfer function:

$$G(s) = \frac{1}{s^2 + 2s + 1}$$
 The system is required to have a settling time of 2 seconds and a peak time of 1 second.

2. **DESIGN REQUIREMENTS**
 The control system must be designed to meet the following requirements:
 - Settling time (T_s) = 2 seconds
 - Peak time (T_p) = 1 second
 - Zero steady-state error for a step input.

3. **ANALYSIS**
 The system is a second-order system. The characteristic equation is given by:

$$s^2 + 2s + 1 = 0$$
 The roots of the characteristic equation are $s = -1 \pm j0$, indicating a critically damped system.

4. **DESIGN OF CONTROLLER**
 To meet the design requirements, a PID controller is proposed. The transfer function of the PID controller is given by:

$$C(s) = K_p + \frac{K_i}{s} + \frac{K_d s}{s + z}$$
 where K_p , K_i , and K_d are the proportional, integral, and derivative gains, respectively, and z is the zero of the derivative term.

5. **IMPLEMENTATION**
 The control system is implemented using a digital controller. The sampling time is chosen to be 0.1 seconds. The control algorithm is implemented using a digital filter.

6. **RESULTS**
 The system response is simulated using MATLAB/Simulink. The results show that the system meets the design requirements. The settling time is 2 seconds and the peak time is 1 second.

7. **CONCLUSION**
 A PID controller has been designed for a second-order system. The system meets the design requirements.



2000-2001

LEADS ON "MURKIN"
 FROM "MURKIN" IN 1942
 ATTEMPT TO REVEAL
 LEADS ON "MURKIN"

SLURP-VEN
4005 ALLEN AVE 4000
CHRYN PRODUCTIONS, INC.
1472 MAIN STREET
CAMDEN, NEW JERSEY

Productivity

Origin

April 20, 2011

RECEIVED
APR 14 2011

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF GIBBS TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE
PROPOSED PLAT OF ROCK CREEK 3RD ADDITION AND HEREBY
RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID PLAT
BE (APPROVED) (DENIED). (PLEASE ATTACH CONDITIONS, IF ANY, TO THE
BOARD'S ACTION.)

IF THE TOWNSHIP IS RECOMMENDING DENIAL, PLEASE LIST THE REASONS:



CHAIRMAN, TOWNSHIP BOARD



ATTEST: TOWNSHIP CLERK

*PLEASE RETURN WITHIN 60 DAYS OF
DATE OF THIS LETTER BY CERTIFIED MAIL.

BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

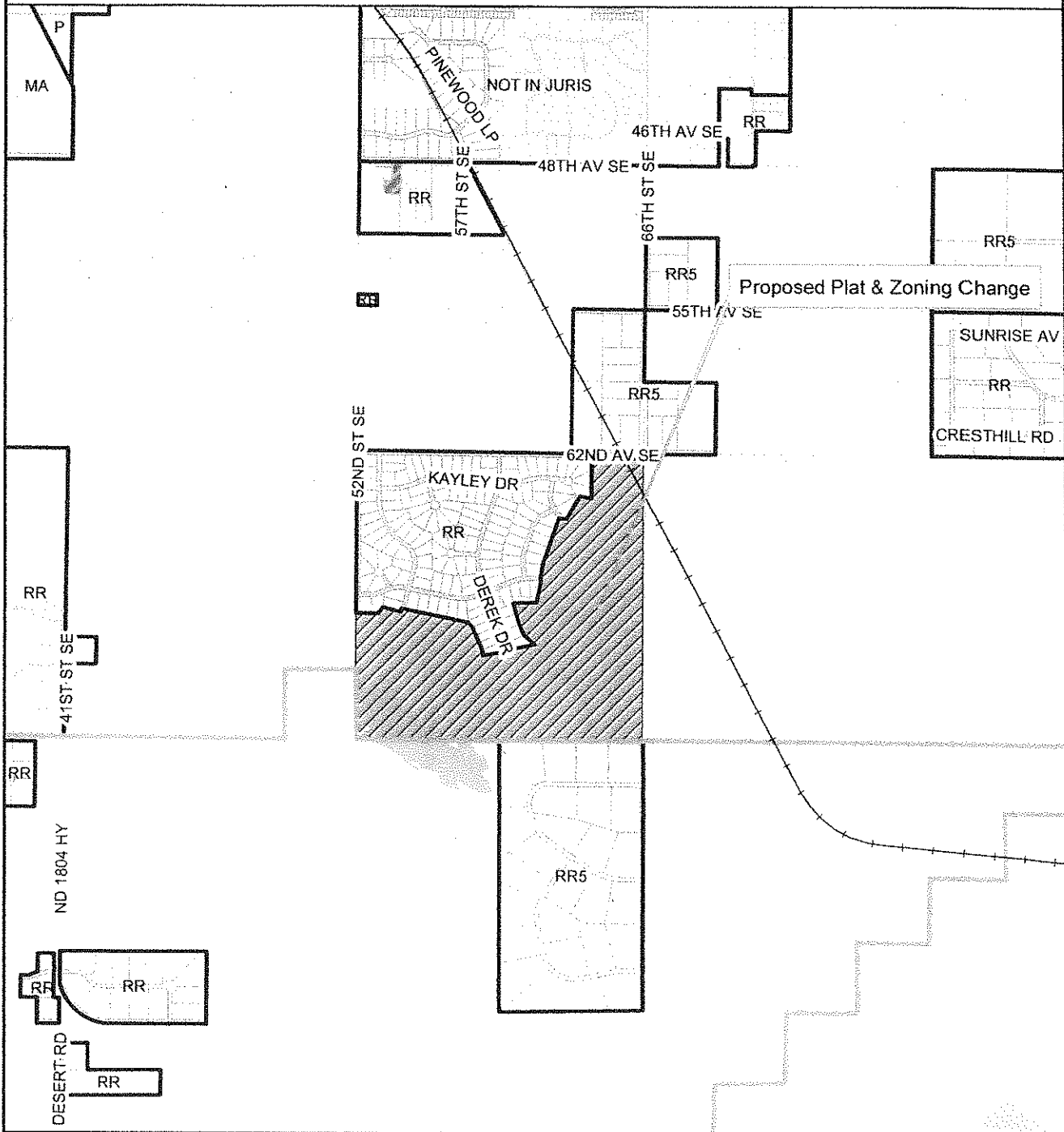
BACKGROUND:	
Title: Copper Ridge 3 rd Subdivision – Zoning Change (A to RR)	
Status: Planning Commission – Consideration	Date: April 27, 2011
Owner(s): Landcore, LLC – all lots except L1, B10 BEK Communications, Inc. – L1, B10	Engineer: Kadrmass Lee & Jackson
Reason for Request: Plat and zone property for the third phase of a rural residential development.	
Location: South of 62 nd Avenue SE between 52 nd Street SE and 66 th Street SE (Section 31, T138N-R79W/Apple Creek Township, less those parts previously platted as Copper Ridge and Copper Ridge 2 nd Subdivisions).	
Project Size: 367.75 acres	Number of Lots: 161 lots in 9 blocks
EXISTING CONDITIONS:	
Land Use: Agriculture/Undeveloped	PROPOSED CONDITIONS:
Zoning: A – Agriculture	Land Use: Residential
Uses Allowed: Agriculture	Zoning: RR – Residential
Maximum Density Allowed: One unit per 40 acres	Uses Allowed: Rural residential
	Maximum Density Allowed: Minimum lot size of 65,000sf
PROPERTY HISTORY:	
Zoned: N/A	Platted: N/A
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. The proposed zoning includes all of the property included in the previously approved plats for Copper Ridge 3rd, 4th, 5th, 6th and 7th Subdivisions. These were approved in 2007 but have not yet been recorded. As the zoning change for each plat would not be effective until the plat was recorded, the previously approved zoning change for this property never went into effect. 	
FINDINGS:	
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as rural residential (Bismarck-Mandan Regional Land Use Plan). 2. The proposed zoning change is compatible with adjacent land uses. Adjacent land uses include rural residential to north in this section, agricultural land to the east and south, and state-owned undeveloped land to the west. 3. The subdivision proposed for this property will be the third phase of a rural residential subdivision, will be served by South Central Regional Water District, and will have access to Lincoln Road via 52nd Street and 66th Street; therefore, the zoning change will not place an undue burden on public services, provided an agreement on the phasing of the development is reached. 4. The proposed zoning change will not adversely affect property in the vicinity. 	

(continued)

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a hearing on the zoning change from A – Agricultural to RR – Residential for Copper Ridge 3rd Subdivision, with the understanding that the public hearing on the zoning change will not be held until the issues relating to the plat have been resolved.

Proposed Plat & Zoning Change (A to RR) Copper Ridge 3rd Subdivision



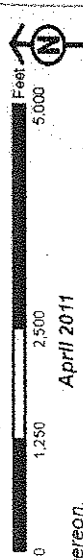
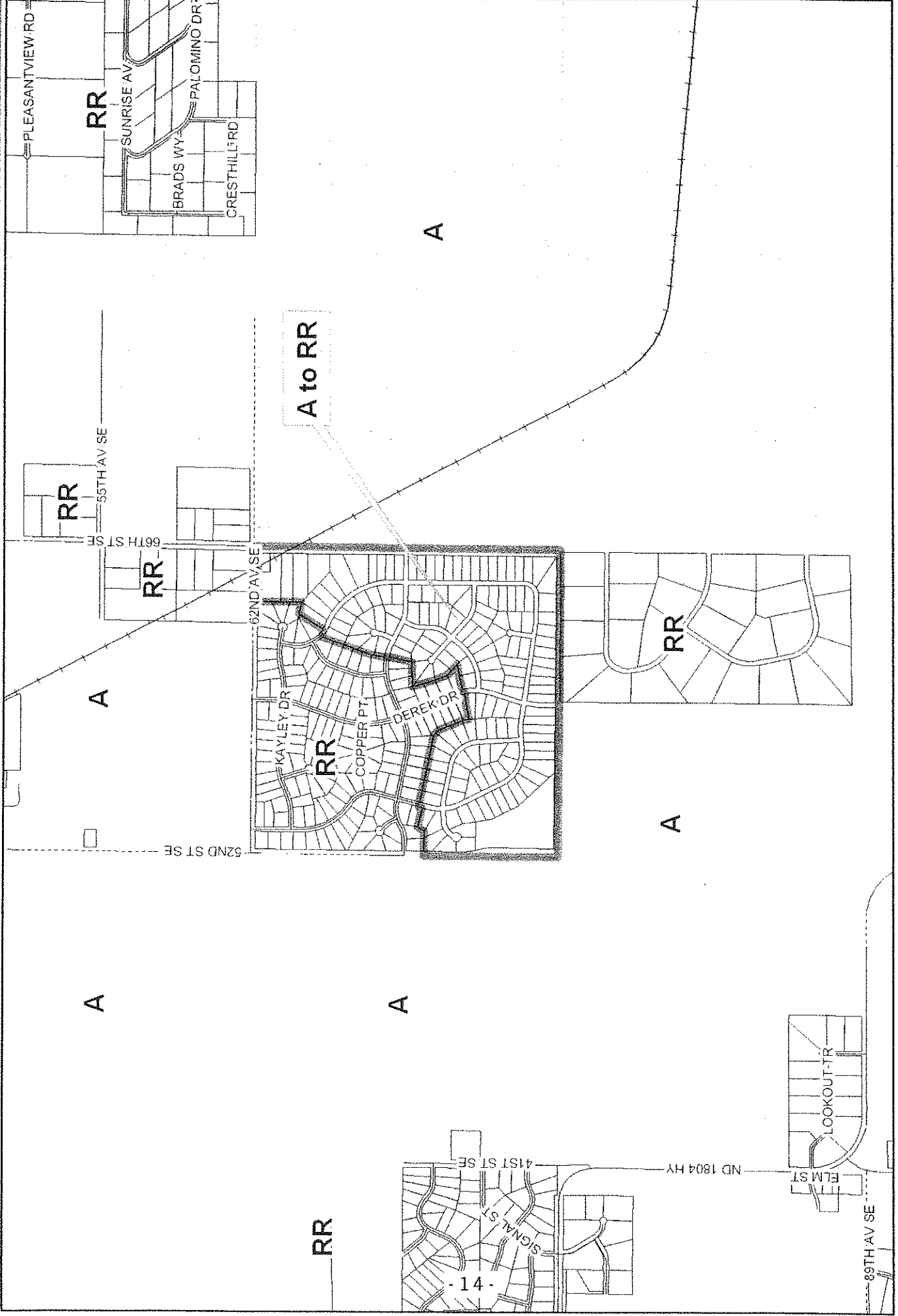
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Map was Updated/Created: March 28, 2011 (kog)

Source: City of Bismarck



0 2,100 4,200 Feet

Copper Ridge 3rd Subdivision - Zoning Change A to RR



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April 2011

BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:	
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Reason for Request: Plat and zone property for the third phase of a rural residential development.	
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Project Size: 367.75 acres	Number of Lots: 161 lots in 9 blocks
EXISTING CONDITIONS:	PROPOSED CONDITIONS:
Land Use: Agriculture/Undeveloped	Land Use: Residential
Zoning: A – Agriculture	Zoning: RR – Residential
Uses Allowed: Agriculture	Uses Allowed: Rural residential
Maximum Density Allowed: One unit per 40 acres	Maximum Density Allowed: Minimum lot size of 65,000sf
PROPERTY HISTORY:	
Zoned: N/A	Platted: N/A
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. The proposed plat includes all of the property included in the previously approved plats for Copper Ridge 3rd, 4th, 5th, 6th and 7th Subdivisions. These were approved in 2007 but have not yet been recorded. 2. The proposed plat is a redesign of the original layout and was done in order to better address stormwater management within the development; however, the overall layout of the subdivision is very similar to the previously approved version. 3. The proposed plat includes several cul-de-sacs in generally the same locations as shown in the previously approved version. The City's current cul-de-sac provisions were adopted after the previous layout was approved. 4. The applicant has requested waivers to exceed the maximum block length of 1320 feet, to use cul-de-sacs because of the topography in this area and to include lots with minimum widths of less than 150 feet for lots on cul-de-sacs and curved roadways (although all lots will have an average width of 150 feet or greater). Waivers for the same requirements were granted in conjunction with approval of the previous plats. 	
<i>(continued)</i>	

5. As the applicant is platting the rest of the section, he has requested that the plat be approved with a modification of the paving requirements. Normally, all interior roadways within a subdivision would have to be paved prior to the plat being recorded, or a bond or letter of credit would need to be posted to cover the cost of the paving. In this case, the applicant would like to enter into a separate agreement that identifies a phased development for this subdivision and only pave the roadways within a specific phase before that phase is developed.
6. In order to provide right-of-way for the construction of 52nd Street on the western edge of the proposed plat and 76th Avenue on the southern edge of the proposed plat, the applicant has already obtained easements from the adjacent property owners. As an easement could not be obtained from the adjacent property owner for 66th Street on the eastern edge of the proposed plat, that roadway has been moved west of the section line so that 117 feet of the required right-of-way (150 less 33 feet provided along the section line) is located within this plat. The applicant has been working with the County Engineer on a plan to pave only those portions of the adjacent section line roads necessary for development of the property.
7. This subdivision will add 161 rural residential lots to a section which already contains 158 rural residential lots, bringing the total to 319 lots. Given the size of the development, it would be beneficial to include some open space, park area or multi-use trails within the development.
8. Because the Copper Ridge development is within five miles of the operations area of the Bismarck Municipal Airport, the development may be subject to the provisions of FAA Advisory Circular AC 150/5200-33A "Hazardous Wildlife Attractants On or Near Airports." As the storm water management plan has been revised, we will need updated documentation on the application of the FAA Advisory Circular requirements to this development.

FINDINGS:

1. All technical requirements for consideration of a preliminary plat have been met.
2. The revised storm water management plan for the proposed subdivisions has been tentatively approved by the City Engineer, with concurrence from the County Engineer and a representative from the Burleigh County Water Resource District.
3. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Derek Drive as the north-south collector and Woodrow Drive as the east-west collector for this section.
4. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include rural residential to north in this section, agricultural land to the east and south, and state-owned undeveloped land to the west.
5. The subdivision proposed for this property will be the third phase of a rural residential subdivision, will be served by South Central Regional Water District, and will have access to Lincoln Road via 52nd Street and 66th Street; therefore, the proposed subdivision will not place an undue burden on public services, provided an agreement on the phasing of the development is reached.
6. The proposed subdivision will not adversely affect property in the vicinity.

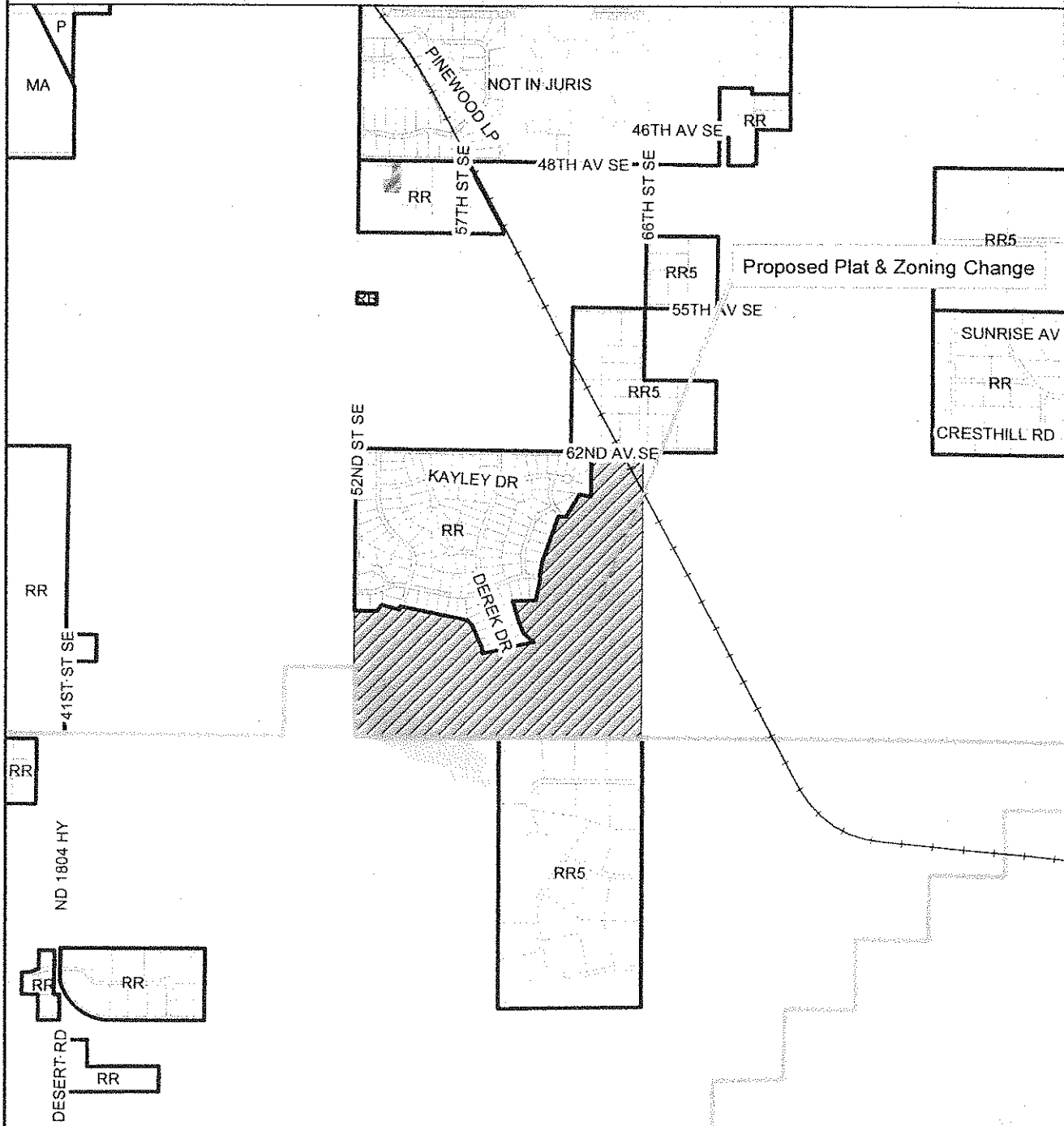
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7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat of Copper Ridge 3rd Subdivision; granting waivers to exceed the maximum block length of 1320 feet, to use cul-de-sacs because of the topography in this area and to include lots with minimum widths of less than 150 feet for lots on cul-de-sacs and curved roadways; and with the understanding that the public hearing will not be scheduled on the final plat until the issues regarding the provision of public open space within the plat, the phasing of the development, and the applicability of FAA Circular AC 150/5200-33A are resolved.

Proposed Plat & Zoning Change (A to RR) Copper Ridge 3rd Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Map was Updated/Created, March 29, 2011 (kdg)

Source: City of Bismarck



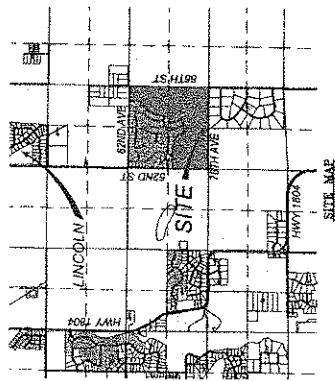
0 2,100 4,200
Feet

ENGINEER/SURVEYOR
KATONDS, LEE & JACKSON, INC.
128 500 LINE DRIVE
SISWACK, NORTH DAKOTA 58301
PHONE 701-358-6400

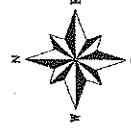
OWNER:
LANDCURE, LLC,
PO BOX 1437
BISMARCK, ND 58502-1437
PHONE 722-4441

PRELIMINARY PLAT
COPPER RIDGE 3RD SUBDIVISION

ALL IN SECTION 31, TOWNSHIP 138 NORTH, RANGE 79 WEST, BURLEIGH COUNTY, NORTH DAKOTA

[illegible]

SPRINKLER	FLOW	INFECTION
1	700 GPM	100-42-10T
2	650 GPM	915-10-42T
3	600 GPM	815-10-42T
4	550 GPM	715-10-42T
5	500 GPM	615-10-42T
6	450 GPM	515-10-42T
7	400 GPM	415-10-42T
8	350 GPM	315-10-42T
9	300 GPM	215-10-42T
10	250 GPM	115-10-42T

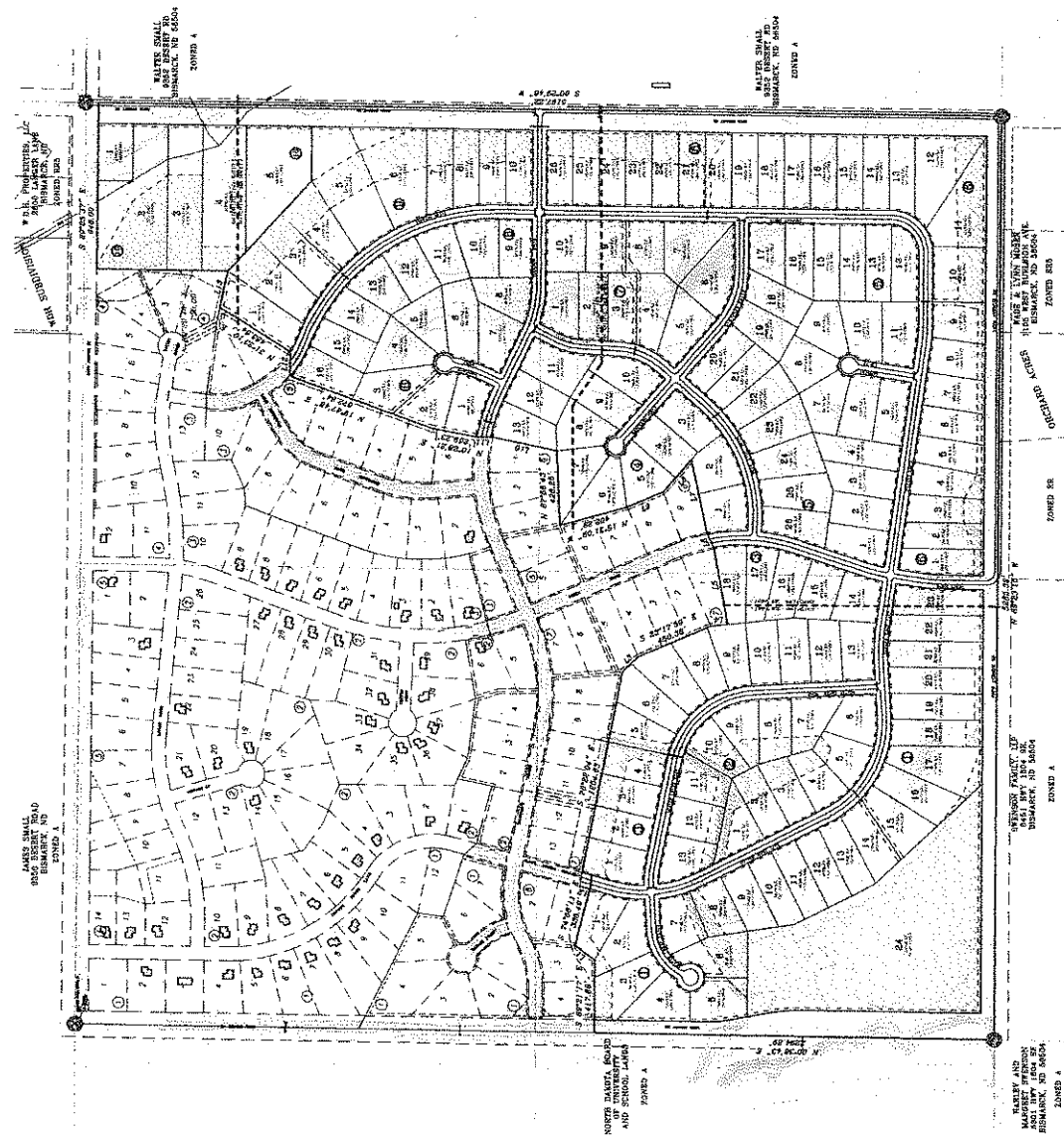


ZONING REQUEST
CURRENT ZONING - A

PLAC INFORMATION

- NUMBER OF LOTS: 161
- LOT ACREAGE ~ 303.096 ACRES
- R.O.W. ACREAGE ~ 54.624 ACRES
- TOTAL ACREAGE ~ 307.750 ACRES

DATE: MARCH 2011
 TOPOGRAPIHICAL SURVEY DATE: FALL 2003
 TOPOGRAPIHICAL SURVEY DATE: FALL 2009
 BASIS OF BEARING - S.P.C. SYSTEM
 TOPOGRAPHIC DATUM NAD 83
 BENCHMARK - CPS PT. 951-25
 BENCHMARK ELEVATION - 1714.56



ENGINEER/SURVEYOR
MORGAN, LEY & JACKSON, INC.
1215 500 LINE DRIVE
SPEARHEAD, NORTH DAKOTA 58501
PHONE 701-526-8400

OWNER:
LANDCORE, LLC.
PO BOX 1437
JULISMARK, ND 58502-1437
PHONE 222-4441

PRELIMINARY PLAT

COPPER RIDGE 3RD SUBDIVISION

A PORTION OF THE NE ¼, A PORTION OF THE SE ¼, A PORTION OF THE SW ¼, TOGETHER WITH TRACT A OF THE NE ¼,
ALL IN SECTION 31, TOWNSHIP 138 NORTH, RANGE 79 WEST, BURLEIGH COUNTY, NORTH DAKOTA

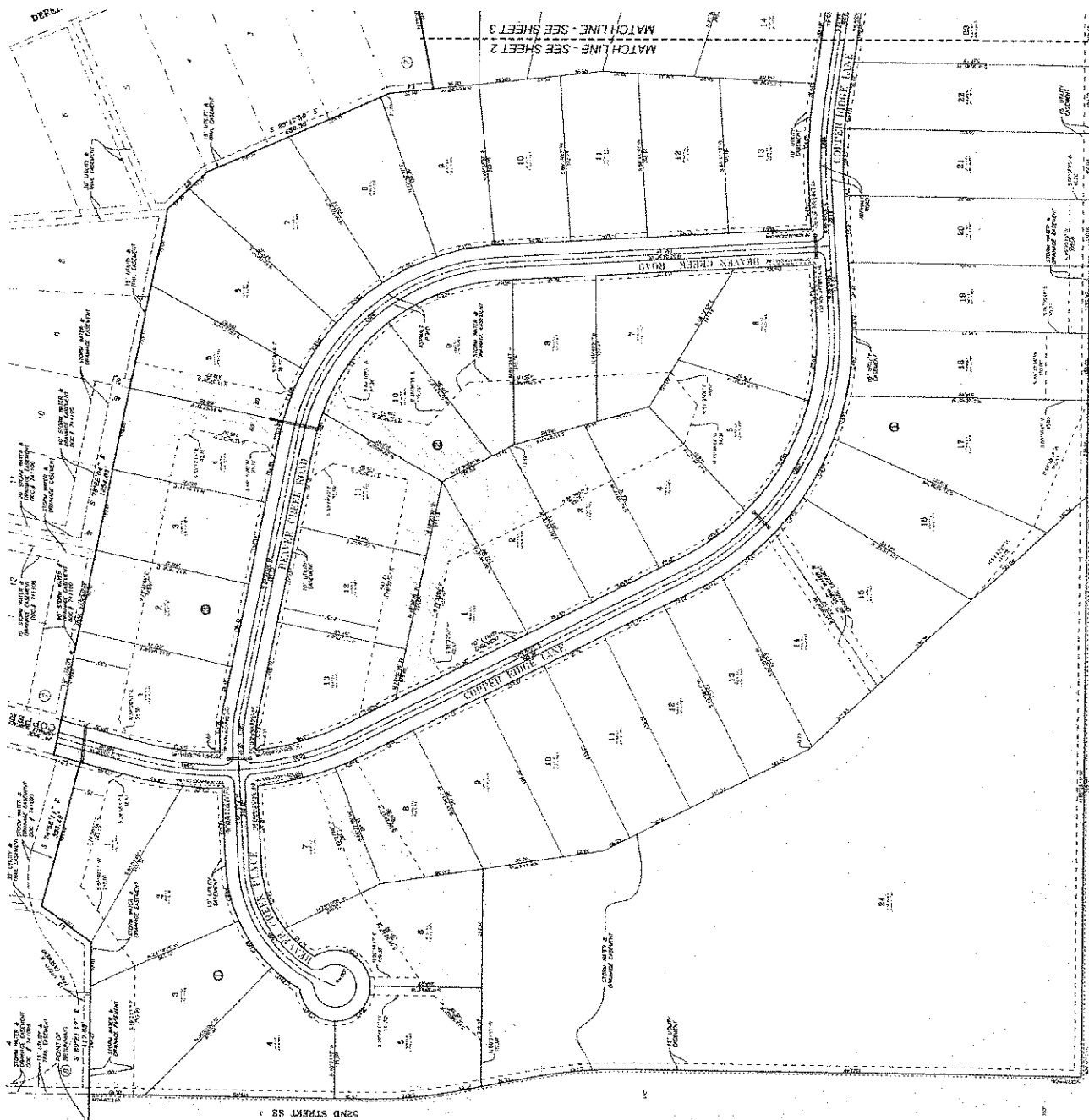


PLATE LEGEND

PRIMARY DIMENSION

P=RIGHT-OF-WAY OR BLOCK LINE
P=LOT-DM P=LOT-NUMBER

P = PASCENT																																																																																																																																																																																																																																																																																																																																																																																																																										
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PROPERTY EVIDENCE NUMBER

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[illegible]

M00-65735 L9d

[illegible]

5030464 66172078

Abstract: **1,3,5-Triphenyl-2,4,6-trimethylbenzene** (DPM) was synthesized by the Friedel-Crafts alkylation of benzene with 2,4,6-trimethylbenzyl chloride in the presence of AlCl_3 and FeCl_3 as catalysts. The product was purified by column chromatography and its structure was confirmed by ^1H NMR and IR spectroscopy. The compound was characterized by its melting point, refractive index, and density. The compound was found to be a colorless solid with a melting point of 102–103 °C. The refractive index was 1.5010 and the density was 1.180 g/cm³. The compound was found to be stable in air and light.

QUESTION: *What is the effect of the following on the rate of the reaction?*

ANSWER: *Increasing the concentration of the reactants increases the rate of the reaction.*

PAUL R. NORDWAY

GRUPPO SIRONI
di Nuova Castella

உதாரணம்: கருவியைப் பற்றி

AUTHOR'S ADDRESS: Department of Psychology,
University of Illinois at Chicago, Chicago, IL
60687-1590, USA

NUMBER OF LOTS: 181

LOT ACRES - 303.096 ACRES

R.O.W. ACREAGE = 54.04 ACRES
TOTAL ACREAGE = 367.750 ACRES

 $z =$

\mathcal{G}_2^*

DATE: MARCH 2011
GEOGRAPHICAL SURVEY DATE: FALL 2003

GEOGRAPHICAL SURVEY DATE: FALL 2009
 BASIS OF BEARING - S.P.C. SYSTEM
 TOPOGRAPHIC DATUM: NAD 83

BENCHMARK ELEVATION - 1714.56
BENCHMARK - GPS PT. 851-23
TOPOGRAFC DATUM USED: 80

April 2011 • Volume 11 Number 4 • <http://www.jidonline.org>

SHEET 2 OF 5

OWNER:
LANCOWRE, LLC,
PO BOX 1437
EISMARCK, ND 58503-1437
PHONE: 701-224-2244

PRELIMINARY PLAT
COPPER RIDGE 3RD SUBDIVISION

A PORTION OF THE NE $\frac{1}{4}$, A PORTION OF THE SE $\frac{1}{4}$, A PORTION OF THE SW $\frac{1}{4}$; TOGETHER WITH TRACT A OF THE NE $\frac{1}{4}$, ALL IN SECTION 34, TOWNSHIP 138 NORTH, RANGE 79 WEST, BURLEIGH COUNTY, NORTH DAKOTA

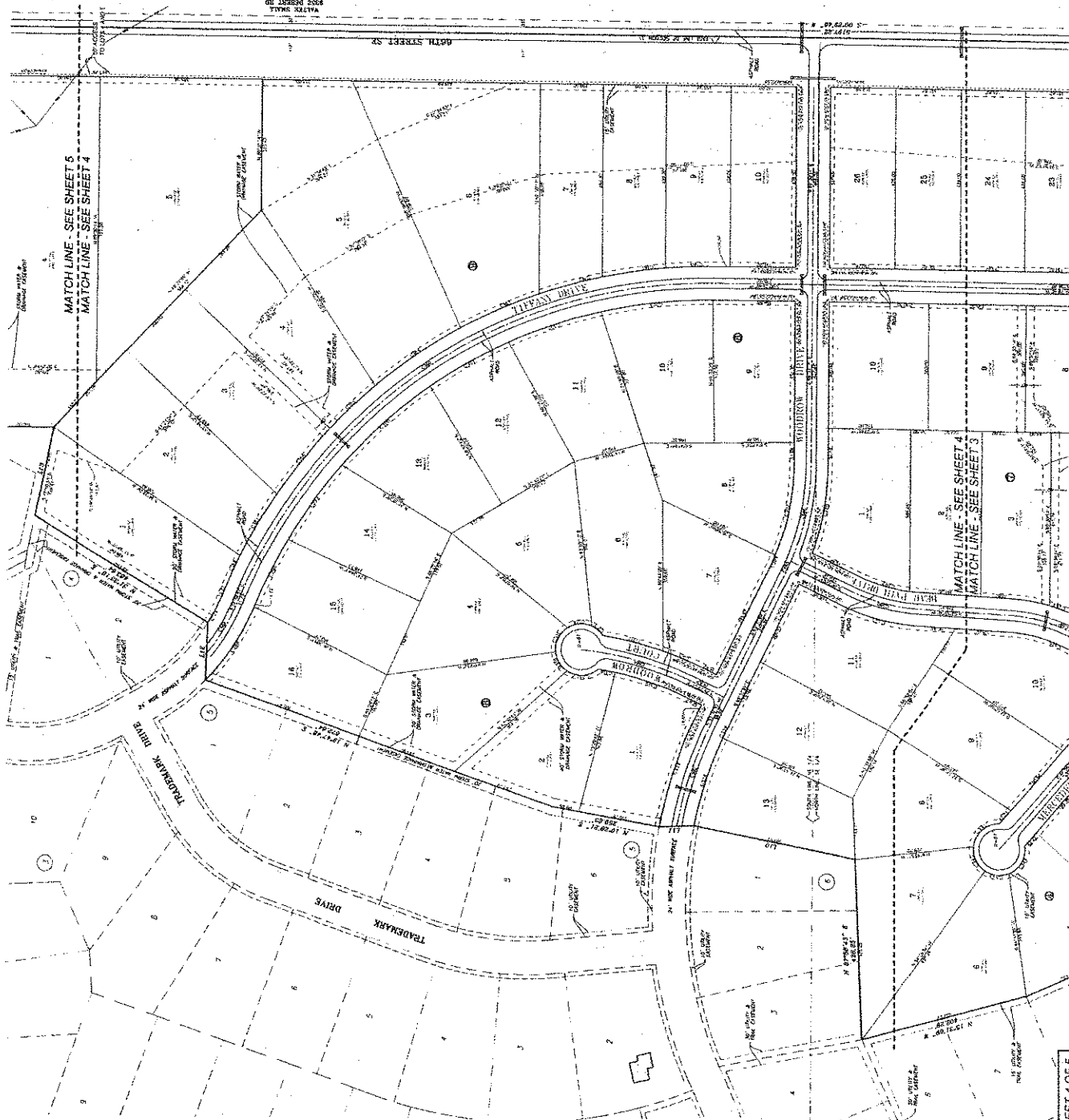
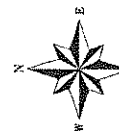


PLATE LEGEND

[illegible]

NOTATION: \mathbb{R}^n IS THE SPACE OF REAL NUMBERS OF DIMENSION n .

- NUMBER OF LOTS: 181
 - LOT AVERAGE - 303.096 ACRES
 - R.O.W. AVERAGE - 64.824 ACRES

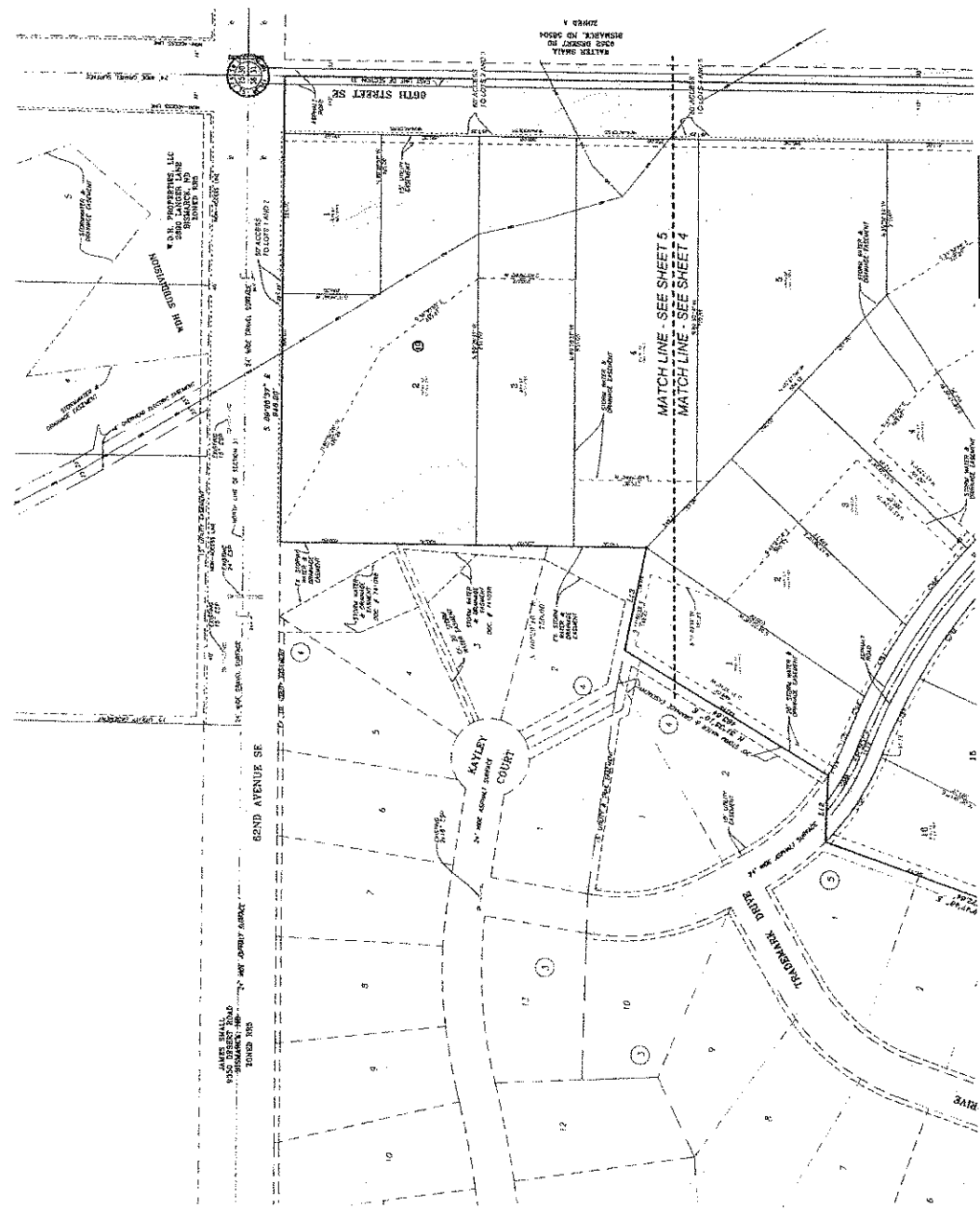


DATE: MARCH 2011
TOPOGRAPHICAL SURVEY DATE: FALL 2008
TOPOGRAPHICAL SURVEY DATE: FALL 2008
BASIS OF BEARING - S.P.C. SYSTEM
TOPOGRAPHIC DATUM NAD83
BENCHMARK - GPS PT. 851-25
BENCHMARK ELEVATION - 1714.56

PRELIMINARY PLAT
COPPER RIDGE 3RD SUBDIVISION
A PORTION OF THE NE $\frac{1}{4}$, A PORTION OF THE SE $\frac{1}{4}$, A PORTION OF THE SW $\frac{1}{4}$, TOGETHER WITH TRACT A OF T
ALL IN SECTION 31, TOWNSHIP 138 NORTH, RANGE 79 WEST, BURLEIGH COUNTY, NORTH DAKOTA

OWNER:
LANDCORE, LLC,
PO BOX 1437
MADISON, ND 58502-1437
PHONE 222-4441

ENGINEER/SLIPSTICK
KORNAS, LEE & JACKSON, INC.
125 500 WEST DRIVE
SILVERDALE, NORTH DAKOTA 58501
PHONE 701-305-8400



ACCESS POINTS WITHIN 1/4 MILE OF DEVELOPMENT

PLAT LEGEND

BOUNDARY DIMENSION

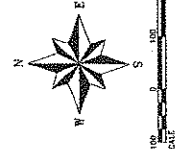
P-NIGHT-OF-WAY OR BLOCK LINE
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P-CASE#
A.D.J. P-R-O-P-E-R-T-Y F-I-D-E-L-I-T-Y
F-I-D-E-L-I-T-Y
S-HOULDER-TEXT
S-SHOULDER-TEXT

1-57REU-2443

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PLAT REFORMATION

- NUMBER OF LOTS: 161
- LOT ACREAGE - 303.098 ACRES
- R.O.W. ACREAGE - 54.654 ACRES
- TOTAL ACREAGE - 367.750 ACRES



DATE: MARCH 2011
TOPOGRAPHICAL SURVEY DATE: FALL 2003
TOPOGRAPHICAL SURVEY DATE: FALL 2009
BASE OF BEARING - S.P.C. SYSTEM
TOPOGRAPHIC DATUM NAD83
BENCHMARK - GPS PT. B51-25
BENCHMARK ELEVATION - 1714.66

**Kadmas
Lee &
Jackson**
The Glens Ferryway
Falmouth

BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

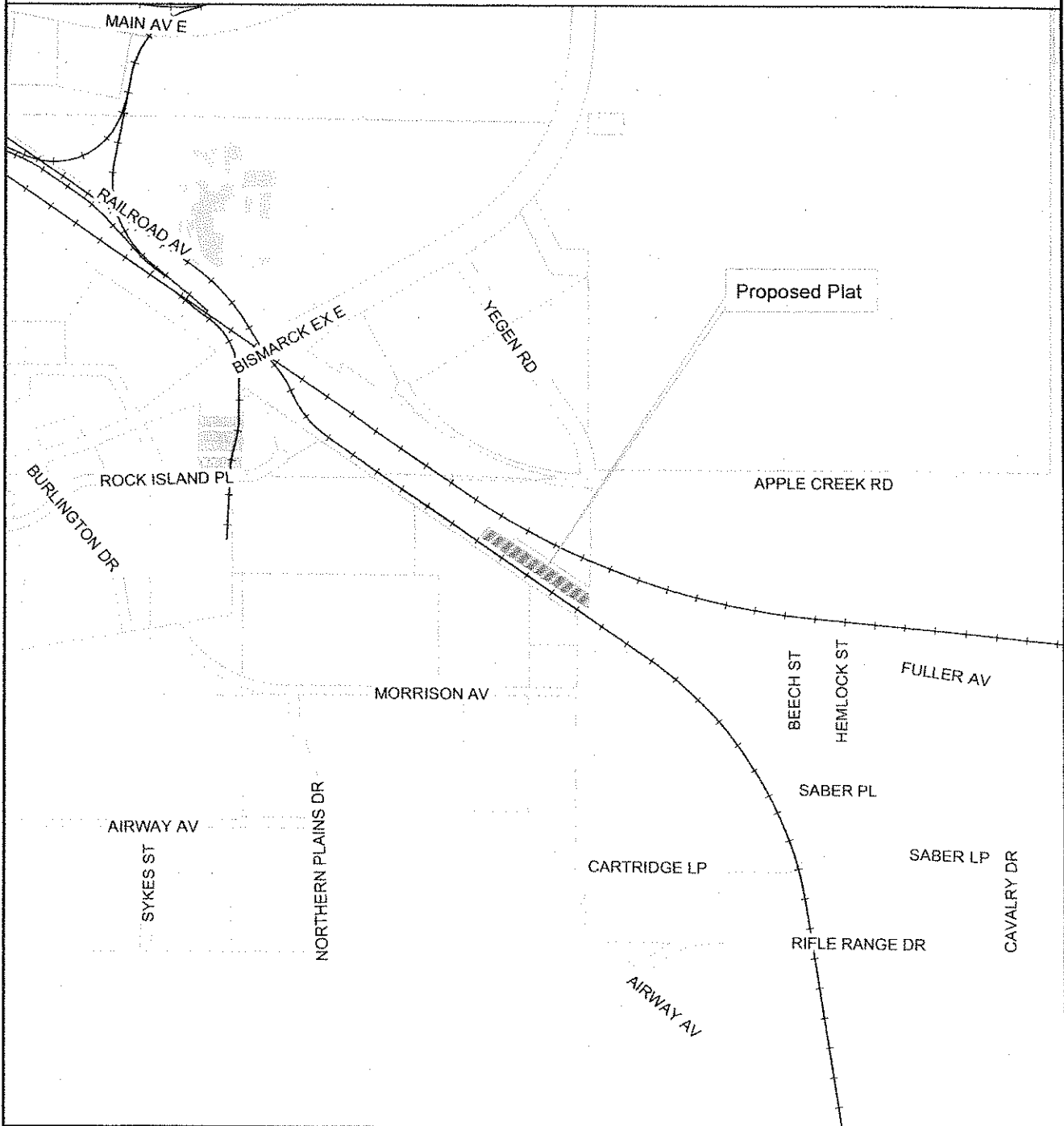
BACKGROUND:		
Title: GCC First Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: April 27, 2011	
Owner(s): GCC of America	Engineer: Kadmas, Lee & Jackson	
Reason for Request: Plat property to allow for future development of a railroad service line and a shipping and receiving station for concrete products.		
Location: Along the west side of Yegen Road south of Apple Creek Road and north of Morrison Avenue (an unplatted portion of the NE ¼ of Section 11, T138 R80W/, Lincoln Township).		
Project Size: 2.21 acres	Number of Lots: One lot	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: MA-Industrial	Land Use: Shipping and receiving station for concrete products	
Uses Allowed: General manufacturing, railroad or bus passenger station, railroad freight station	Zoning: MA-Industrial	
Maximum Density Allowed: N/A	Uses Allowed: General manufacturing, railroad or bus passenger station, railroad freight station	
Maximum Density Allowed: N/A		
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: N/A	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<p>1. Even though this property is within the current City limits, adequate services are not currently available; in particular there is no water service to the property. The nearest fire hydrant is over 700-feet from the property. The current policy states that the nearest hydrant must be no more than 400-feet from an occupied building. The owner has indicated that development of this site during 2011 is unlikely and City staff is working with adjacent property owners to obtain the necessary easements to provide water service to the area.</p>		
FINDINGS:		
<p>1. All technical requirements for consideration of the preliminary plat have been met.</p> <p>2. The proposed subdivision lies outside the Fringe Area Road Master Plan area.</p> <p>3. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include industrial development surrounding the property.</p> <p>4. The proposed subdivision would not adversely affect the adjacent properties.</p> <p style="text-align: right;"><i>findings continued...</i></p>		

5. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time the property is developed.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan; other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends a tentative approval of the preliminary plat for GCC First Addition.

Proposed Plat GCC First Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Map was Updated/Created: March 29, 2011 (kdg)

Source: City of Bismarck



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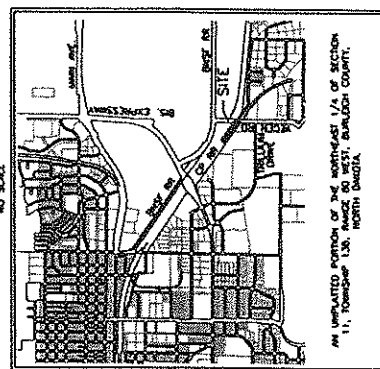
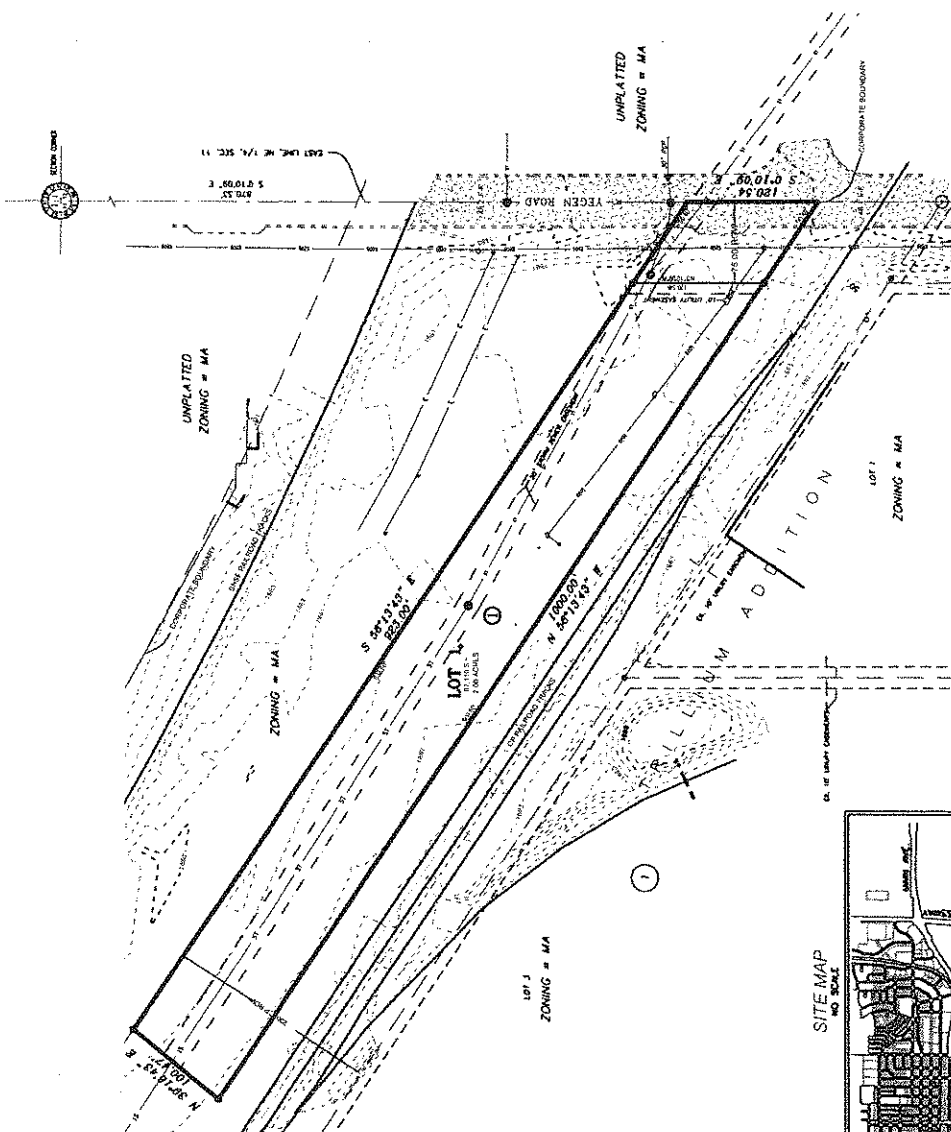
PRELIMINARY PLAT

GCC FIRST ADDITION

AN UNPLATTED PORTION OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 138,
RANGE 80 WEST, BURLEIGH COUNTY, NORTH DAKOTA.

ENGINEER: JAMES E. LEE
1111 13TH AVE. S.W.
MINNEAPOLIS, MN 55408
PHONE: 612-338-1111
FAX: 612-338-1112
WWW.JEEL.COM

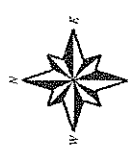
ENGINEER: JAMES E. LEE
1111 13TH AVE. S.W.
MINNEAPOLIS, MN 55408
PHONE: 612-338-1111
FAX: 612-338-1112
WWW.JEEL.COM



ZONING INFORMATION
CURRENT ZONING: MA
RECORDED ZONING: MA

PLAT INFORMATION
- NUMBER OF LOTS: 2
- LOT AREA: 2.00 ACRES
- TOTAL AREA: 4.00 ACRES
- TOTAL ACRES: 4.00

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BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

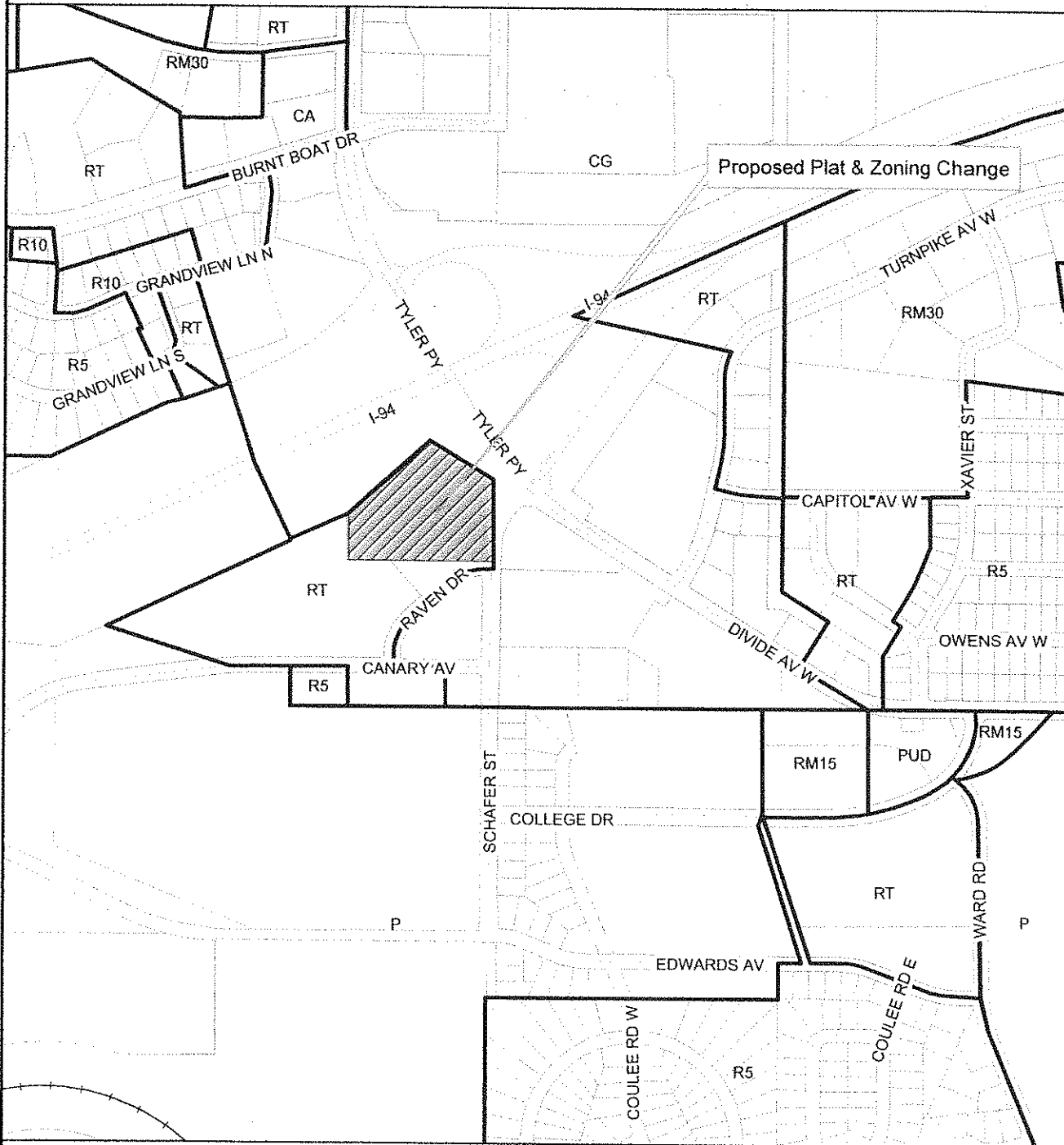
BACKGROUND:		
Title: Meadow Lark Hill Second Addition Replat - Zoning Change (RT to RT & CG)		
Status: Planning Commission – Consideration	Date: April 27, 2011	
Owner(s): Westphal Holding (George Westphal)	Engineer: Swenson, Hagen & Co. P.C.	
Reason for Request: The proposed zoning change is in conjunction with a minor plat which subdivides an existing platted lot. The new lot would function as the site for a commercial development. Over six years ago this same zoning change and minor plat were approved by the Planning Commission and the City Commission, but were never submitted for filing. If approved plats are not submitted within 180-days of final approval, they must be reapproved.		
Location: The lot is located between the Dakota Collectibles building and Divide Avenue, and will utilize the existing access on Schafer Street.		
Project Size: The minor plat contains 6.2-acres The new lot would be 1.8-acres	Number of Lots: 2 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: undeveloped	PROPOSED CONDITIONS:	
Zoning: RT – Transitional	Land Use: motel or office building	
	Zoning: CG – Commercial for Lot 2 RT – Transitional for Lot 1	
Uses Allowed: RT = Multi-family homes and offices	Uses Allowed: CG = A variety of commercial uses incl. motels	
Maximum Density Allowed: Minimum lot size is 7,000 square feet	Maximum Density Allowed: Minimum lot size is 7,000 square feet	
PROPERTY HISTORY:		
Zoned: 1980	Platted: 1980	Annexed: 1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The existing subdivision plat "Meadow Lark Hill Second Addition" is zoned RT-Transitional. 2. The proposed zoning for the new lot created by this replat is CG-Commercial; the lot containing the Dakota Collectibles office building would remain as RT zoning. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include: the existing office building to the southwest, a bar/restaurant to the southeast, and a grocery store to the east. 		
(continued)		

2. The property is already annexed; therefore the proposed zoning change would not place an undue burden on public services.
3. The proposed zoning change would not adversely affect property in the vicinity.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from RT-Transition to CG-Commercial for Lot 2 of Block 1, Meadow Lark Hill Second Addition Replat.

Proposed Plat & Zoning Change (RT to RT & CG) **Meadow Lark Hill Second Addition Replat**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Map was Updated/Created: March 30, 2011 (kdg)

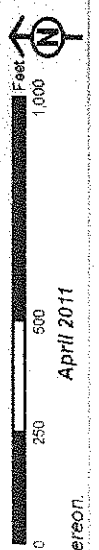
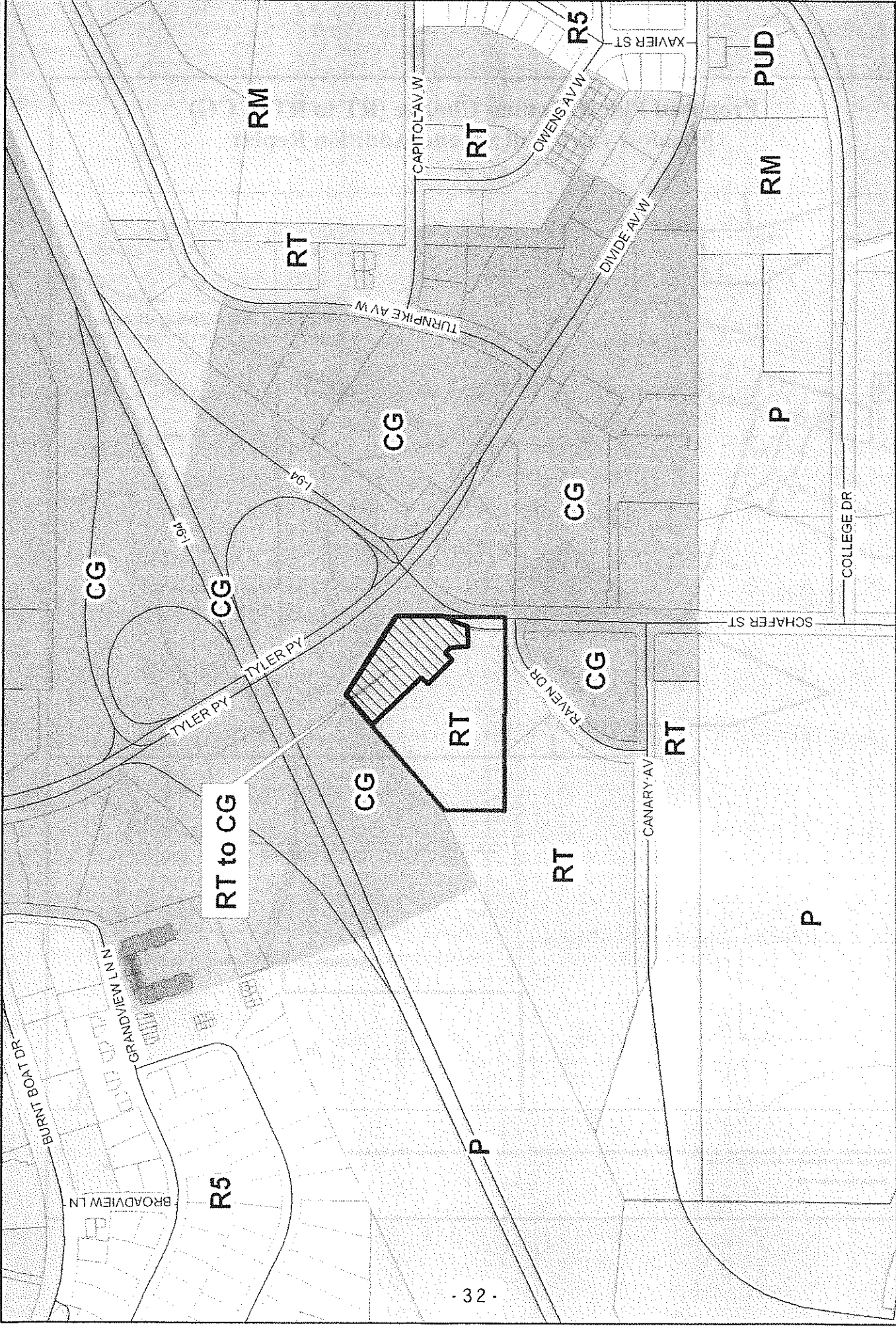
Source: City of Bismarck

N



0 500 1,000
 Feet

Meadow Lark Hills 2nd Addition Replat - Zoning Change - RT to CG



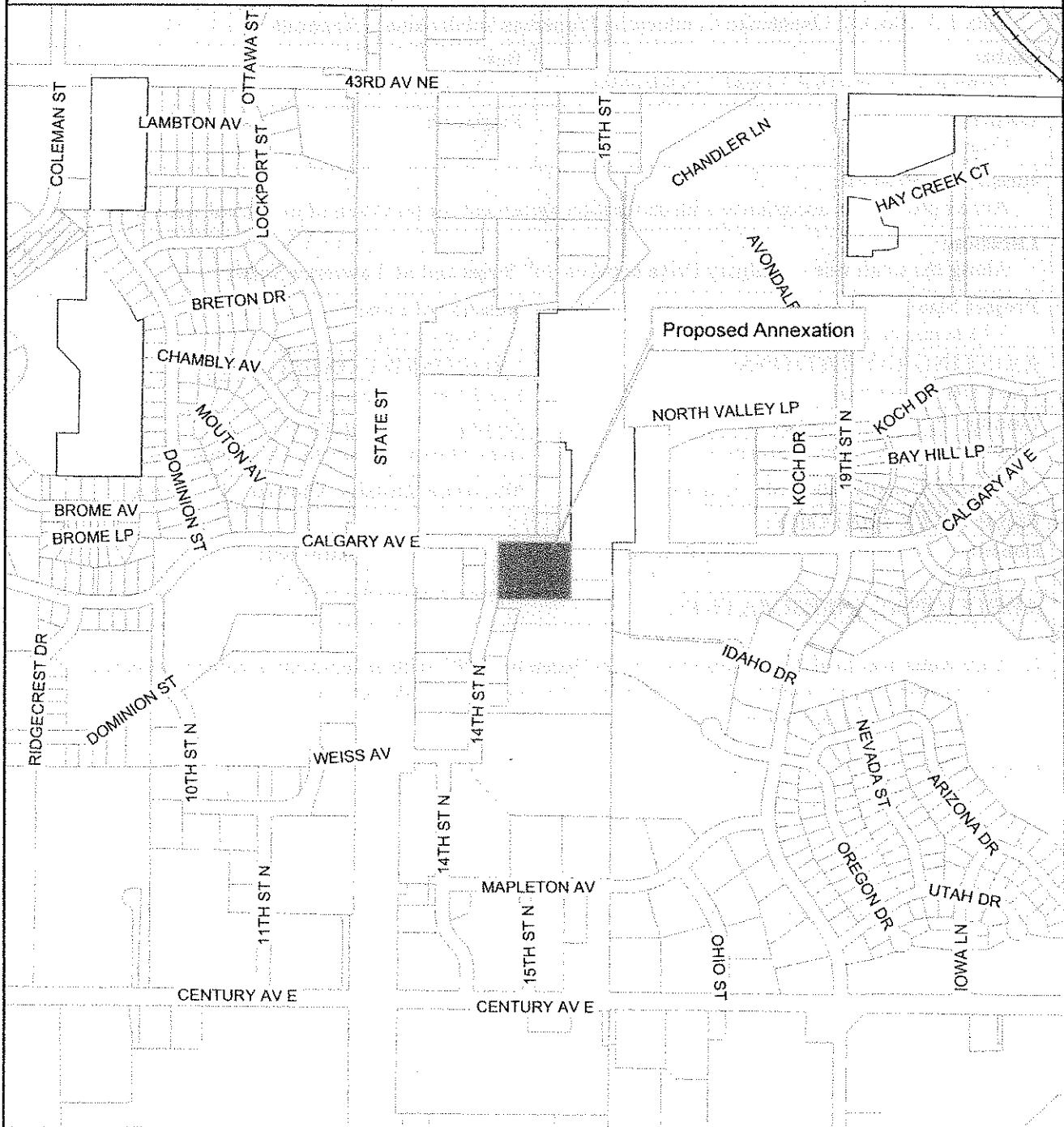
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

April 2011

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Lots 1-3, Block 1, Oxentenکو Commercial Properties Subdivision – Annexation		
Status: Planning Commission – Final Consideration	Date: April 27, 2011	
Owner(s): Oxentenکو Trust	Engineer: N/A	
Reason for Request: Annex property in accordance with annexation agreement for provision of municipal water service.		
Location: Along the south side of Calgary Drive between 14 th Street and St. Lawrence Street.		
Project Size: 3.18 acres, more or less (lots & adjacent ROW)	Number of Lots: 3 lots in 1 block	
EXISTING CONDITIONS:		PROPOSED CONDITIONS:
Land Use: Industrial		Land Use: Industrial
Zoning: CG – Commercial		Zoning: CG – Commercial
Uses Allowed: General commercial uses		Uses Allowed: General commercial uses
Maximum Density Allowed: 42 units/acre		Maximum Density Allowed: 42 units/acre
PROPERTY HISTORY:		
Zoned: 01/83	Platted: 9/78	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. City water was provided to this property in December 2007 with an annexation agreement between the property owner and the City agreeing that the property would be annexed in three years. A copy of the annexation agreement is attached. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation, as the property is already developed. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends annexation of Lots 1-3, Block 1, Oxentenکو Commercial Properties, along with the south half of the adjacent Calgary Avenue and all of the adjacent St. Lawrence Street.		

Proposed Annexation **Lots 1-3, Block 1, Oxentenko Commercial Properties**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Map was Updated/Created: April 20, 2011 (kdg)

Source: City of Bismarck



0 650 1,300
 Feet

ANNEXATION AGREEMENT

The City of Bismarck (hereinafter "City") and Oxentenکو Inc., (hereinafter "Oxentenکو") agree as follows:

1. Oxentenکو's property at 1401 East Calgary Avenue in Bismarck is currently outside the corporate limits of the City. The City will allow Oxentenکو to immediately connect to and utilize City water and sanitary sewer services for its building at 1401 East Calgary Avenue, at Oxentenکو's sole expense. After connection, Oxentenکو will be subject to the same utility rates and charges and rules of operation as are other utility customers in the City.

2. In exchange for the receipt of these City utility services while being located outside of the City, Oxentenکو agrees to provide the City with a Petition for Annexation signed by Oxentenکو which shall take effect three (3) years from the date of this Agreement. By executing and delivering the Petition for Annexation to the City in exchange for the current receipt of City utility services, Oxentenکو agrees to waive any claim or protest against the annexation of the property at 1401 East Calgary which occurs on or after 3 years from the date of this Agreement.

Dated this 18th day of December, 2007.

Attest: W. C. Wocken
W. C. Wocken, City Administrator

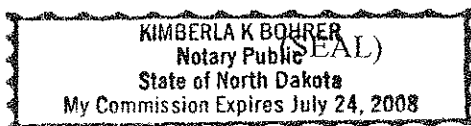
John Warford, President,
Bismarck City Commission

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this 15th day of December, 2007, before me personally appeared John Warford, President of Board of City Commissioners, and W. C. Wocken, City Administrator, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Lambert K Bohner

Kimberla K. Bohrer
Notary Public, Burleigh County,
North Dakota.
My Commission Expires: 07-24-08



Dated this 12th day of December, 2007.

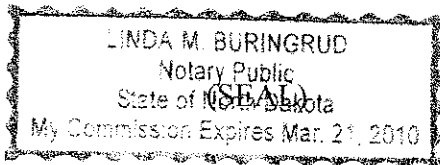
Attest:

Connie Kurl

The Cordell Oxentenکو Trust

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this 12th day of December, 2007, before me personally appeared Shelley Oxentenکو, and The Cordell Oxentenکو Trust, of Oxentenکو known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.



Linda M. Buringrud
Notary Public, Burleigh County,
North Dakota.
My Commission Expires: 3-21-10

Dated this 12th day of December, 2007.

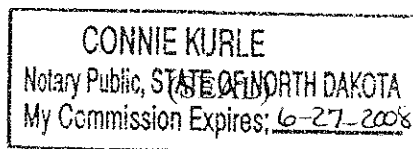
Attest:

Phyllis Oxentenکو

Phyllis Oxentenکو

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

On this 12th day of December, 2007, before me personally appeared Phyllis Oxentenکو, and The Cordell Oxentenکو Trust, of Oxentenکو known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

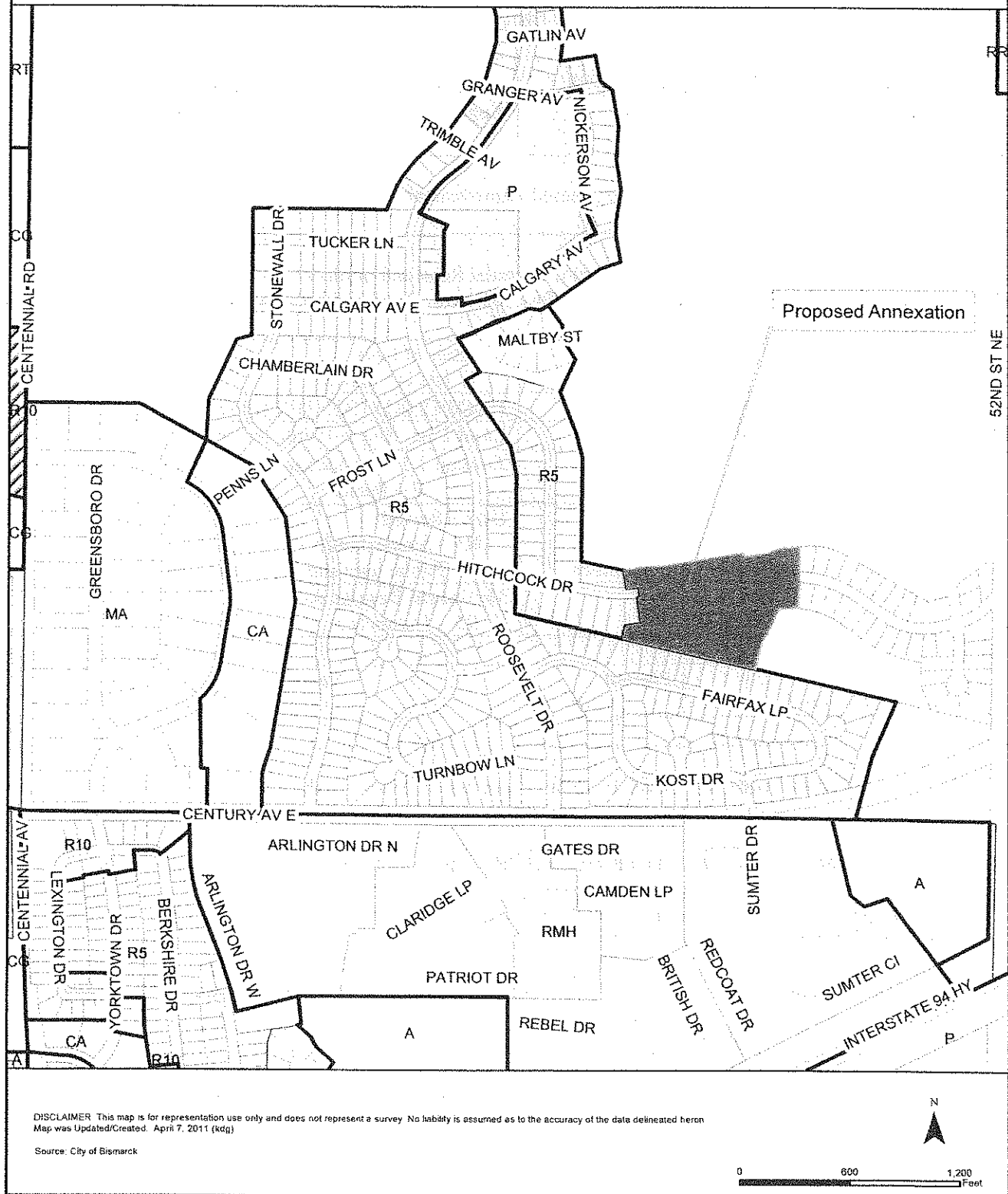


Connie Kurl
Notary Public, Burleigh County,
North Dakota.
My Commission Expires:

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Sattler's Sunrise Sixth Addition – Annexation (part)		
Status: Planning Commission – Final Consideration	Date: April 27, 2011	
Owner(s): Sattler Homes (Robb Sattler)	Engineer: Swenson, Hagen & Co.	
Reason for Request: To annex a portion of the subdivision for phased improvements to this single-family residential development.		
Location: In northeast Bismarck, one-half mile east of Centennial Road and north of Century Avenue, along the east edge of existing Sattler's developments. (Part of Section 24, T139N-R80W/Hay Creek Township)		
Project Size: 10.11 acres	Number of Lots: 17 lots in 6 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential P – Public	Land Use: Single-family residential	
	Zoning: R5 – Residential P – Public	
Uses Allowed: R5 – Single-family residential P – Public uses and storm water facilities	Uses Allowed: R5 – Single-family residential P – Public uses and storm water facilities	
Maximum Density Allowed: R5 – 5 units/acre	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: April 2011 (revision)	Platted: July 2010	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends annexation of a portion of Sattler's Sunrise Sixth Addition (Lots 1-10, Block 1; Lot 1, Block 2; Lots 1-2, Block 3; Lots 1-2, Block 4; Lot 1, Block 5 and Lot 1, Block 7).		

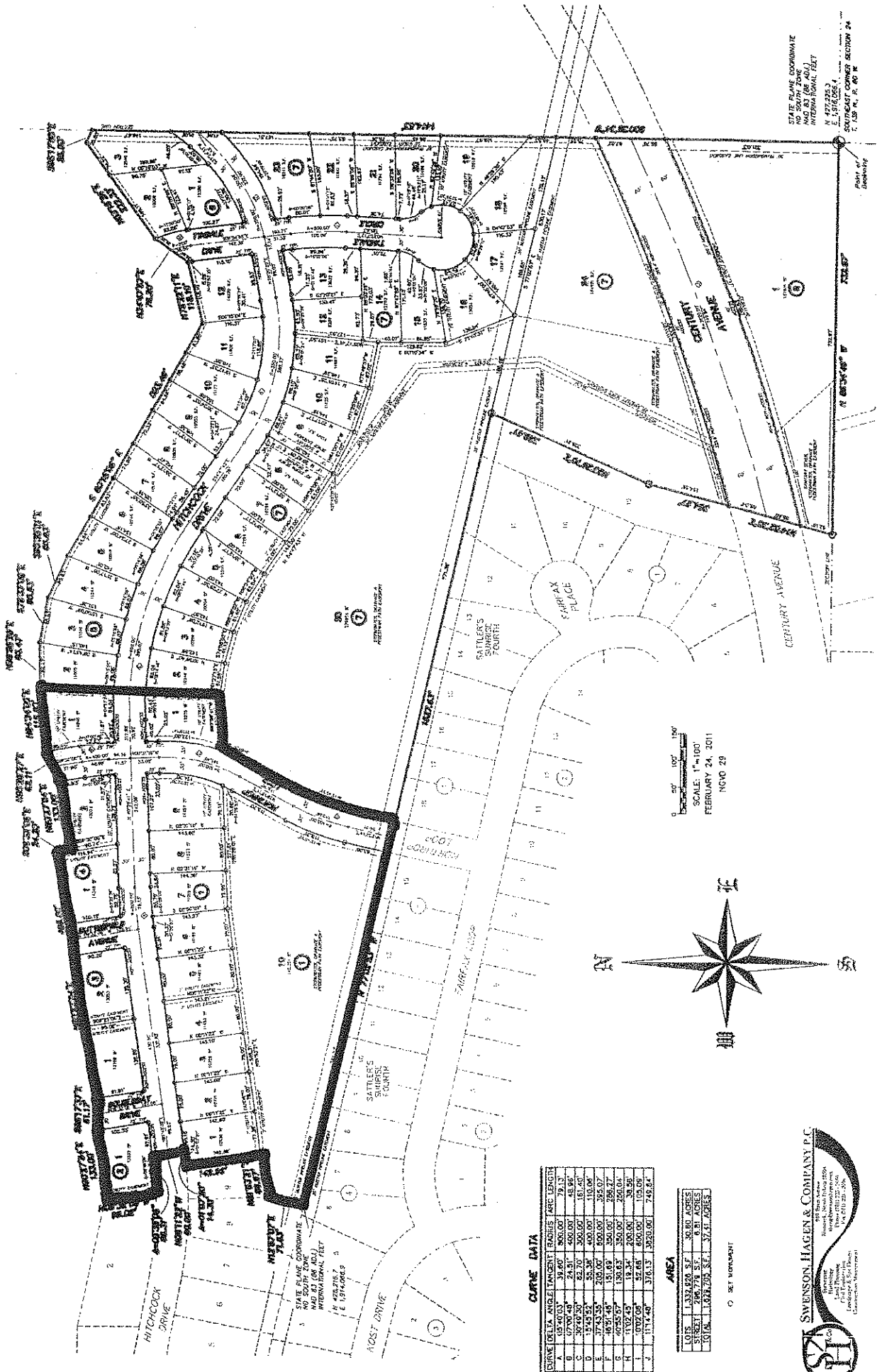
Proposed Annexation **L1-10, B1; L1, B2; L1-2, B3; L1-2, B4; L1, B5 and L1, B7** **Sattler's Sunrise Sixth Addition**



RECEIVED
MAR 25 2011

SATTLE'S SUNRISE SIXTH ADDITION

PART OF THE SOUTHEAST 1/4 AND AUDITOR'S LOTS 2, 3 & 4
OF THE SOUTHEAST 1/4, SECTION 24 T. 139 N., R. 80 W.
BISMARCK, NORTH DAKOTA



CURVE DATA

Curve	Delta	Angle	Tangent	Radius	Arc Length
A	15.24	0.26	31.60	900.00	79.13
B	15.24	0.26	31.60	900.00	79.13
C	15.24	0.26	31.60	900.00	79.13
D	15.24	0.26	31.60	900.00	79.13
E	15.24	0.26	31.60	900.00	79.13
F	15.24	0.26	31.60	900.00	79.13
G	15.24	0.26	31.60	900.00	79.13
H	15.24	0.26	31.60	900.00	79.13
I	15.24	0.26	31.60	900.00	79.13
J	15.24	0.26	31.60	900.00	79.13

AREA

LOT 1	1,332,820 SF	30.80 ACRES
LOT 2	248,778 SF	5.61 ACRES
LOT 3	1,048,000 SF	23.71 ACRES

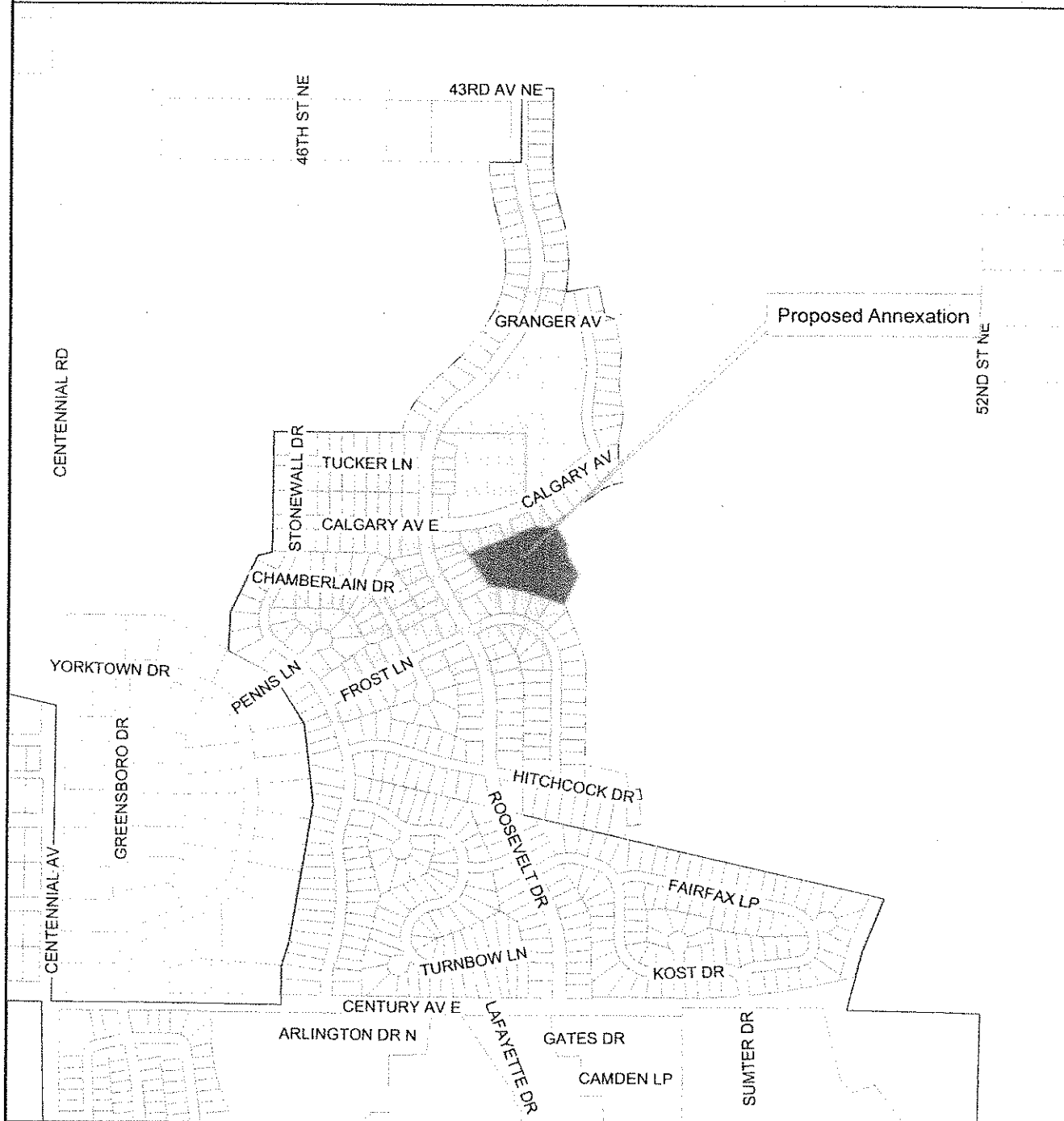
NET MONUMENT

SWENSON HAGEN & COMPANY P.C.
1000 1st Avenue North
Bismarck, ND 58501
Phone: (701) 222-1000
Fax: (701) 222-1000
www.swh.com

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Sattler's Sunrise Eighth Addition – Annexation (part)		
Status: Planning Commission – Final Consideration	Date: April 27, 2011	
Owner(s): Sattler Homes (Robb Sattler)	Engineer: Swenson, Hagen & Co.	
Reason for Request: To annex a portion of the subdivision for phased improvements to this single-family residential development.		
Location: In northeast Bismarck, one-half mile east of Centennial Road and north of Century Avenue, along the east edge of existing Sattler's developments. (Part of Section 24, T139N-R80W/Hay Creek Township)		
Project Size: 4.16 acres	Number of Lots: 10 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential P – Public	Land Use: Single-family residential	
	Zoning: R5 – Residential P – Public	
Uses Allowed: R5 – Single-family residential P – Public uses and storm water facilities	Uses Allowed: R5 – Single-family residential P – Public uses and storm water facilities	
Maximum Density Allowed: R5 – 5 units/acre	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: March 2009	Platted: March 2009	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends annexation of a portion of Sattler's Sunrise Eighth Addition (Lots 19-25, Block 2 and Lots 1-3, Block 4).		

Proposed Annexation **L19-25, B2 & L1-3, B4, Sattler's Sunrise Eighth Addition**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
 Map was Updated/Created: April 1, 2011 (kdg)

Source: City of Bismarck



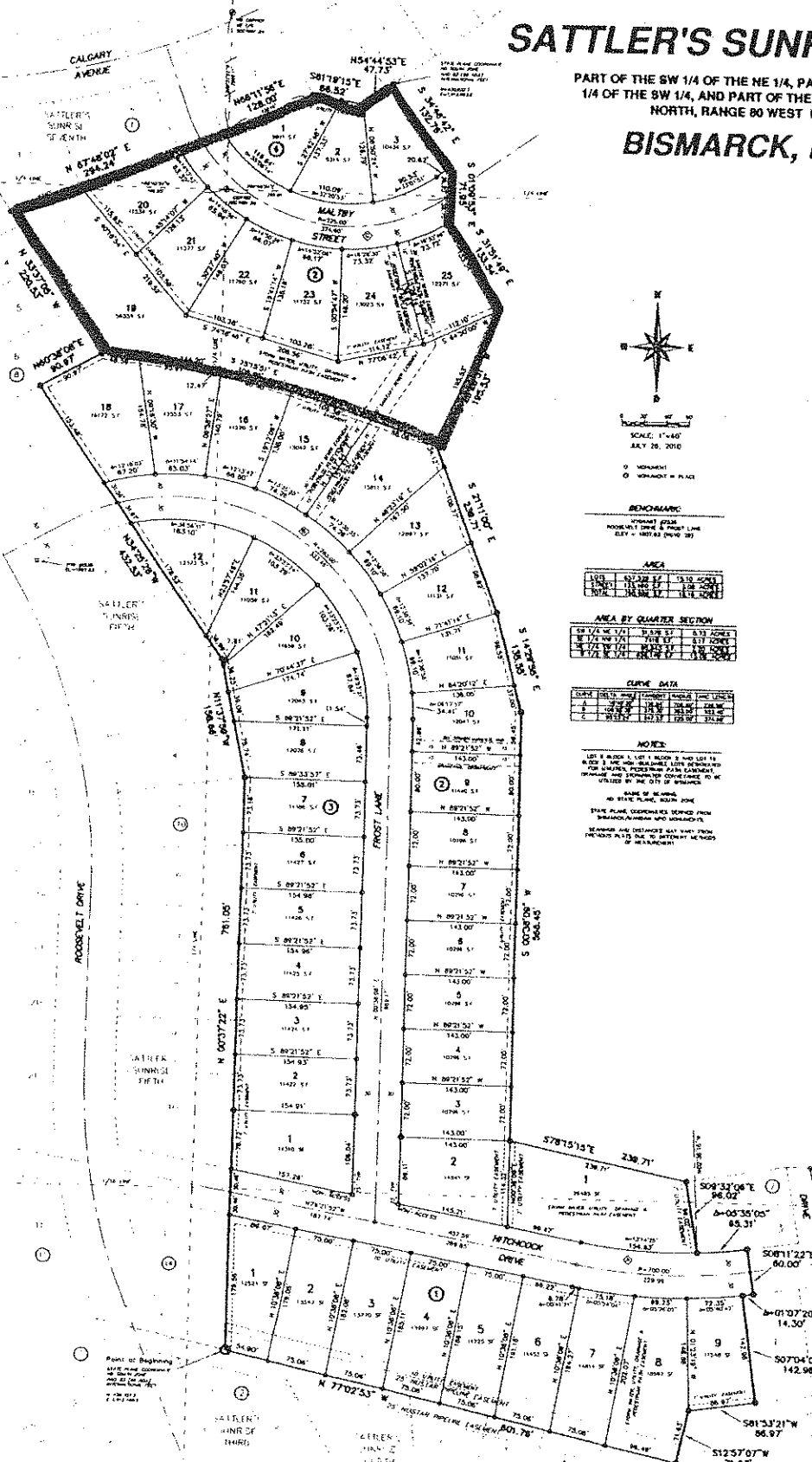
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 Feet

BISMARCK, NORTH DAKOTA

H

Surveying
Hydrology
Land Planning
Civil Engineering
Professional & Test Engineer
Construction Management

107 South Avenue
Barnard, North Dakota 58614
505/391-2222 ext. 200
Phone 505/391-2000
Fax 505/391-2000



BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

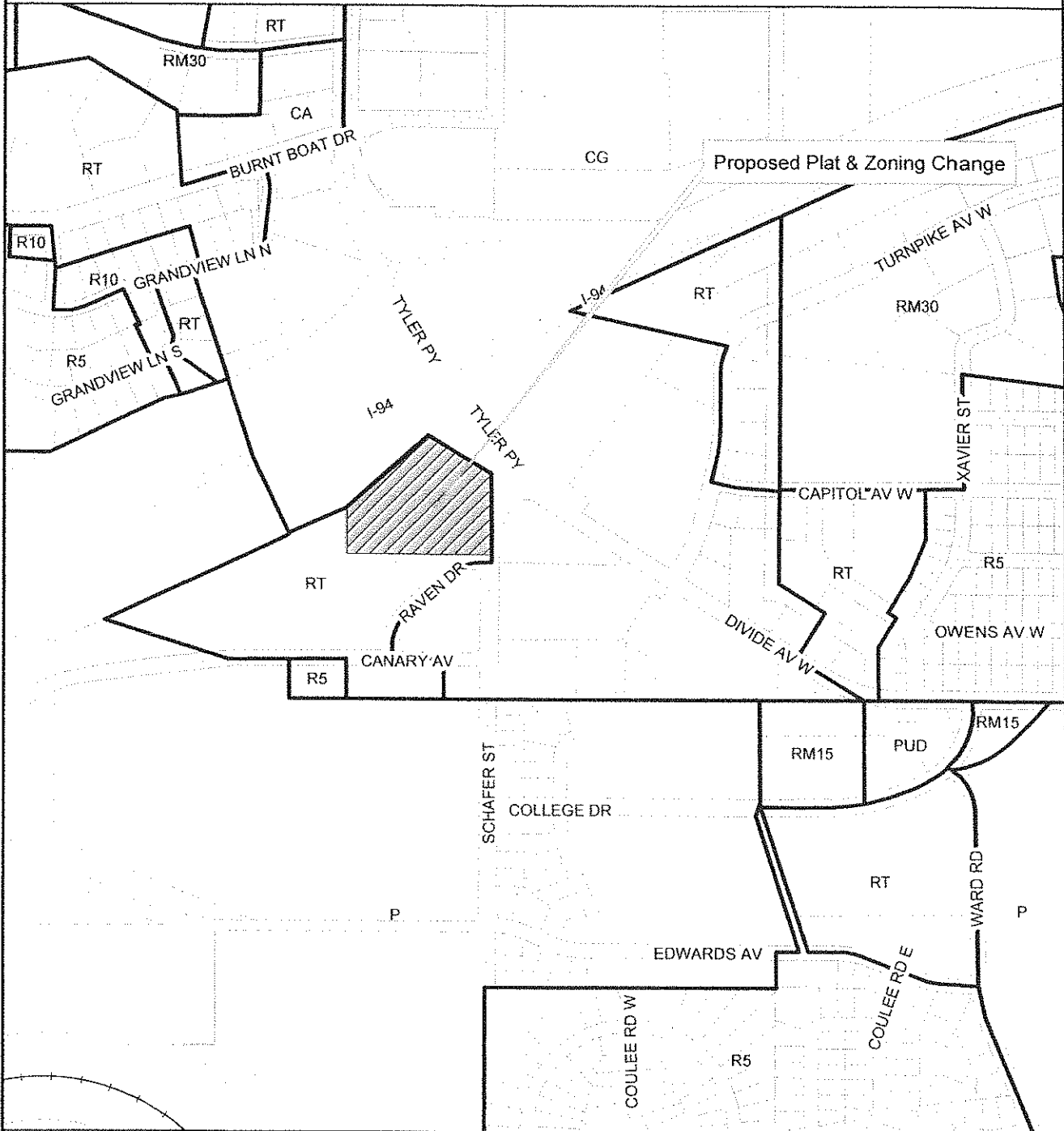
BACKGROUND:		
Title: Meadow Lark Hill Second Addition Replat – Minor Plat		
Status: Planning Commission – Public Hearing		Date: April 27, 2011
Owner(s): Westphal Holding (George Westphal)		Engineer: Swenson, Hagen & Co. P.C.
Reason for Request: The proposed minor plat subdivides an existing one-lot subdivision into two lots. The new lot would be the site of a future commercial development. Over six years ago this same minor plat was approved by the Planning Commission and the City Commission, but it was never submitted for filing. If plats are not submitted within 180-days of final approval, they must be reapproved.		
Location: The lot is located between the Dakota Collectibles building and Divide Avenue, and will utilize the existing access on Schafer Street.		
Project Size: The minor plat contains 6.2-acres total The new lot would be 1.8-acres		Number of Lots: 2 lots in 1 block
EXISTING CONDITIONS:		PROPOSED CONDITIONS:
Land Use: undeveloped		Land Use: motel or office building
Zoning: RT – Transitional		Zoning: CG – Commercial for Lot 2 RT – Transitional for Lot 1
Uses Allowed: RT = Multi-family homes and offices		Uses Allowed: CG = A variety of commercial uses incl. motels
Maximum Density Allowed: Minimum lot size is 7,000 square feet		Maximum Density Allowed: Minimum lot size is 7,000 square feet
PROPERTY HISTORY:		
Zoned: 1980	Platted: 1980	Annexed: 1980
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed plat meets the criteria for a minor subdivision final plat. 2. All technical requirements for approval of a minor subdivision final plat have been met. 3. The storm water management plan has been approved by the City Engineer. 4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include the existing office building to the southwest. A bar/restaurant is located across Schafer Street to the southeast, a grocery store is located across Divide Avenue to the east, and the I-94/Divide Avenue interchange right-of-way is along the north sides of the proposed minor plat. 5. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services. 		
<i>(continued)</i>		

6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

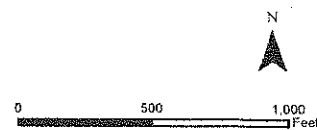
Based on the above findings, staff recommends approval of the minor subdivision final plat Meadow Lark Hill Second Addition Replat.

Proposed Plat & Zoning Change (RT to RT & CG) Meadow Lark Hill Second Addition Replat



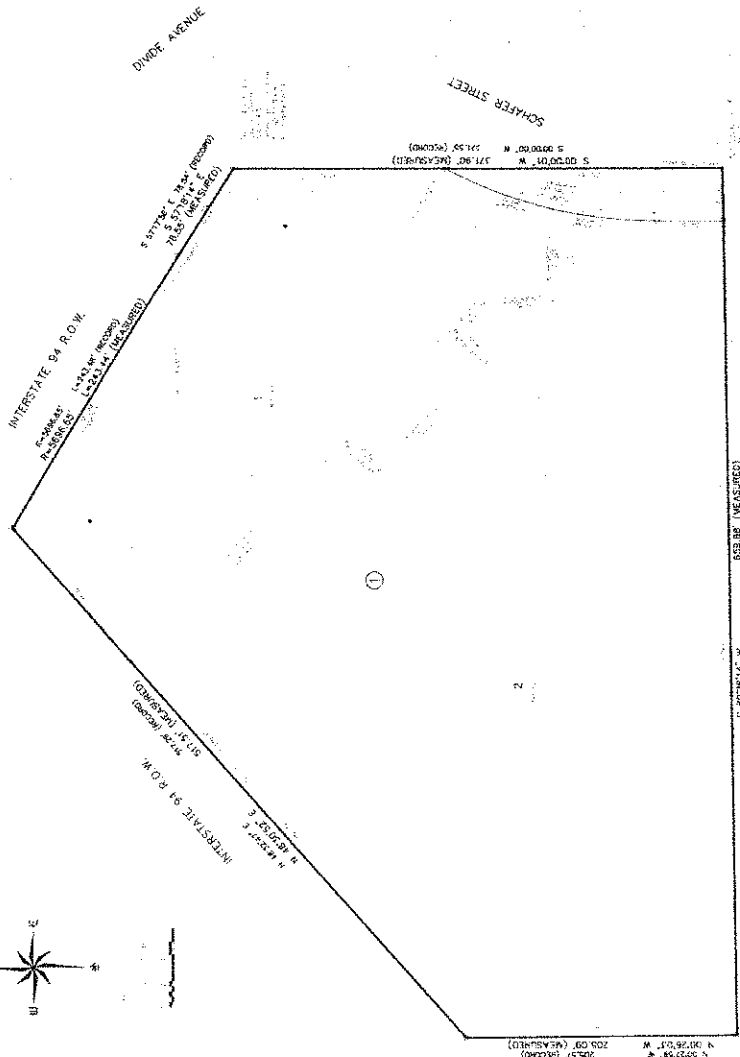
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: March 30, 2011 (kdg)

Source: City of Bismarck



APR 15 1011

MEADOW LARK HILL SECOND ADDITION REPLAT PART OF THE SE 1/4 OF SECTION 30, T. 139 N., R. 80 W. BISMARCK, NORTH DAKOTA



DESCRIPTION

APPROVAL OF CITY PLANNING COMMISSION

APPROVAL OF BOARD OF CITY COMMISSIONERS

SURVEYOR'S CERTIFICATE

APPROVAL OF CITY ENGINEER

OWNER'S CERTIFICATE & ENDORSEMENT



BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

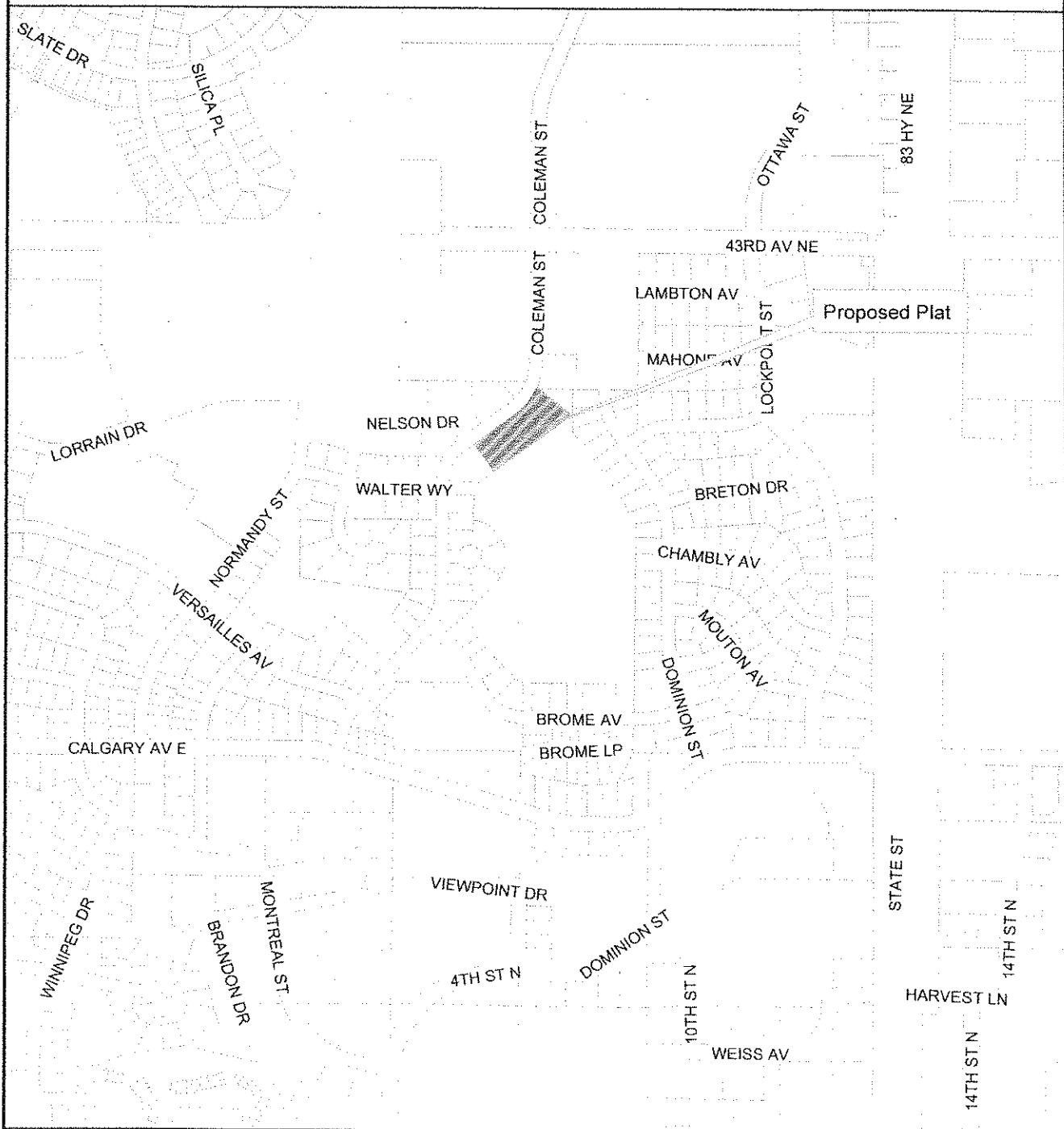
BACKGROUND:		
Title: North Hills 15 th Addition Replat– Minor Plat		
Status: Planning Commission – Public Hearing	Date: April 27, 2011	
Owner(s): Koch Construction, Inc.	Engineer: Toman Engineering	
Reason for Request: Replat and reconfigure the existing lots to allow for one additional lot. The developer intends on constructing four, 4-unit condos.		
Location: Approximately 1/8 mile south of 43 rd Avenue between Normandy and Dominion Streets. (A replat of Lots 1-3 and part of Lot 4, Block 1, North Hills 15 th Addition.)		
Project Size: 1.98 acres	Number of Lots: 4 lots in 1 block	
EXISTING CONDITIONS:		PROPOSED CONDITIONS:
Land Use: Undeveloped		Land Use: Multi-family residential (4-unit condos)
Zoning: RM15 – Residential		Zoning: RM15 – Residential
Uses Allowed: RM15 – Multi-family residential		Uses Allowed: RM15 – Multi-family residential
Maximum Density Allowed: RM15 – 15 units per acre		Maximum Density Allowed: RM15 – 15 units per acre
PROPERTY HISTORY:		
Zoned: 07/2008	Platted: 07/2008	Annexed: 07/2007
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. There is a 15-foot landscape buffer yard easement along the easternmost property line of Lot 1, Block 1. The easement is appropriate due to the single-family dwelling directly to the east. The easement was also part of the original North Hills 15th Addition. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed plat meets the criteria for a minor subdivision final plat. 2. All technical requirements for approval of a minor subdivision final plat have been met. 3. The storm water management plan amendment has been approved by the City Engineer. 4. The proposed subdivision is compatible with adjacent land uses; adjacent land uses include partially developed, multi-family zoned property to the south and west, a developing office complex and undeveloped, RT-zoned land to the north, developed single-family residential to the east and undeveloped, agriculturally-zoned land to the south. 5. The proposed minor subdivision is already annexed, therefore; it would not place an undue burden on public services. 		
<i>findings continued...</i>		

6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the minor subdivision final plat for North Hills 15th Addition Replat.

Proposed Plat North Hills Fifteenth Addition Replat



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: March 29, 2011 (kdg)

Source: City of Bismarck

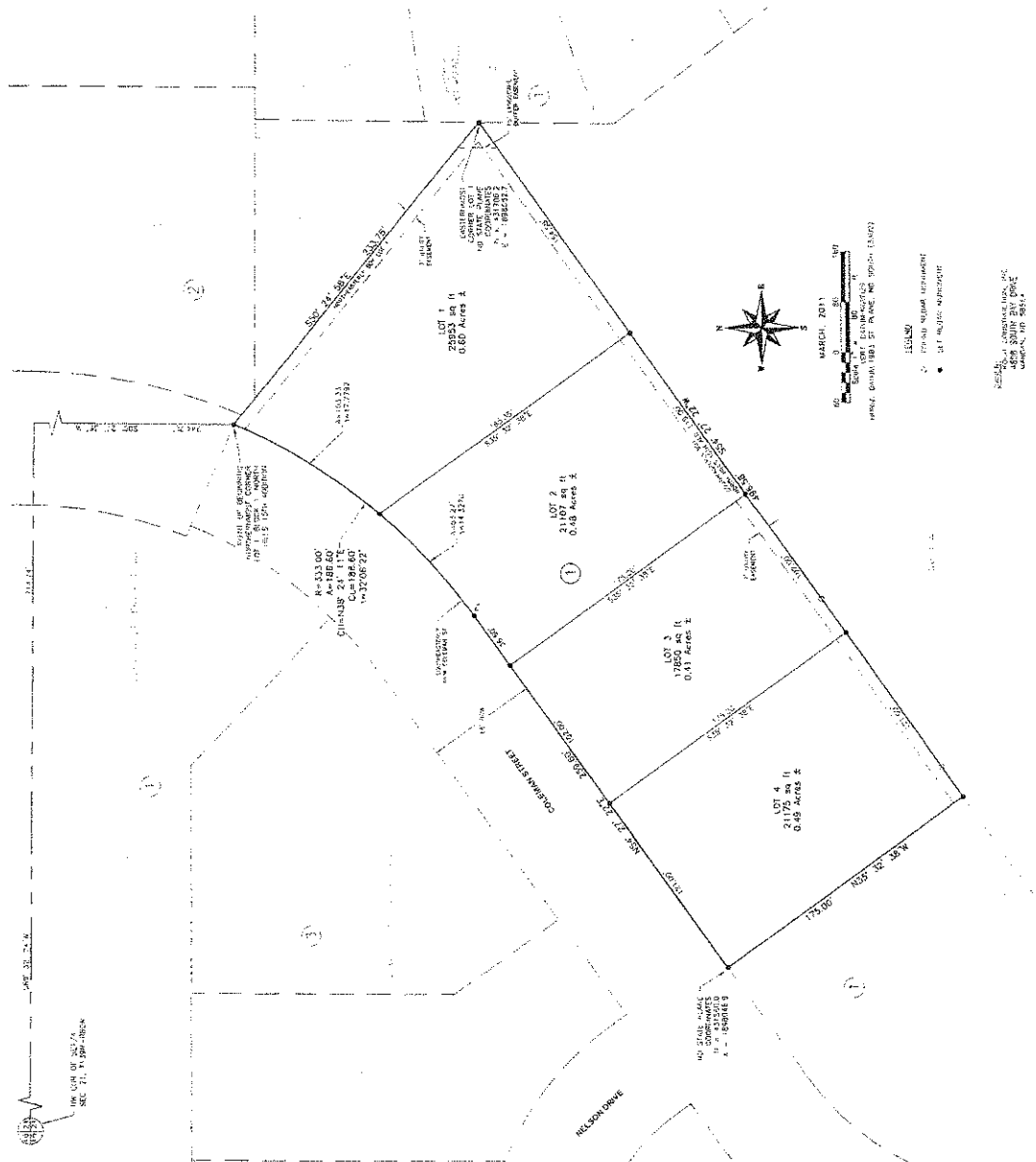


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Feet

NORTH HILLS FIFTEENTH ADDITION REPLAT

TO THE CITY OF BISMARCK, NORTH DAKOTA

ALL OF LOTS 1-3 AND PART OF LOT 4, BLOCK 1, NORTH HILLS 15TH ADDITION OF THE NE 1/4 OF SECTION 21, T139N-R20W



REPLAT OF NORTH HILLS 15TH ADDITION
BLOCK 1, NORTH HILLS 15TH ADDITION
SECTION 21, T139N-R20W
NORTH DAKOTA

TOMAN ENGINEERING
501 1st Street NW, Bismarck, ND 58501
Phone: 701-683-6483 • Fax: 701-683-6923
www.toman-engineering.com



SECTION 21, T139N-R20W
A PART OF THE NORTH HILLS 15TH ADDITION OF THE NE 1/4 OF SECTION 21, T139N-R20W
BISMARCK, NORTH DAKOTA
BLOCK 1, NORTH HILLS 15TH ADDITION
SECTION 21, T139N-R20W
NORTH DAKOTA

SECTION 21, T139N-R20W
A PART OF THE NORTH HILLS 15TH ADDITION OF THE NE 1/4 OF SECTION 21, T139N-R20W
BISMARCK, NORTH DAKOTA
BLOCK 1, NORTH HILLS 15TH ADDITION
SECTION 21, T139N-R20W
NORTH DAKOTA

SECTION 21, T139N-R20W
A PART OF THE NORTH HILLS 15TH ADDITION OF THE NE 1/4 OF SECTION 21, T139N-R20W
BISMARCK, NORTH DAKOTA
BLOCK 1, NORTH HILLS 15TH ADDITION
SECTION 21, T139N-R20W
NORTH DAKOTA

SECTION 21, T139N-R20W
A PART OF THE NORTH HILLS 15TH ADDITION OF THE NE 1/4 OF SECTION 21, T139N-R20W
BISMARCK, NORTH DAKOTA
BLOCK 1, NORTH HILLS 15TH ADDITION
SECTION 21, T139N-R20W
NORTH DAKOTA

SECTION 21, T139N-R20W
A PART OF THE NORTH HILLS 15TH ADDITION OF THE NE 1/4 OF SECTION 21, T139N-R20W
BISMARCK, NORTH DAKOTA
BLOCK 1, NORTH HILLS 15TH ADDITION
SECTION 21, T139N-R20W
NORTH DAKOTA

SECTION 21, T139N-R20W
A PART OF THE NORTH HILLS 15TH ADDITION OF THE NE 1/4 OF SECTION 21, T139N-R20W
BISMARCK, NORTH DAKOTA
BLOCK 1, NORTH HILLS 15TH ADDITION
SECTION 21, T139N-R20W
NORTH DAKOTA

SECTION 21, T139N-R20W
A PART OF THE NORTH HILLS 15TH ADDITION OF THE NE 1/4 OF SECTION 21, T139N-R20W
BISMARCK, NORTH DAKOTA
BLOCK 1, NORTH HILLS 15TH ADDITION
SECTION 21, T139N-R20W
NORTH DAKOTA

SECTION 21, T139N-R20W
A PART OF THE NORTH HILLS 15TH ADDITION OF THE NE 1/4 OF SECTION 21, T139N-R20W
BISMARCK, NORTH DAKOTA
BLOCK 1, NORTH HILLS 15TH ADDITION
SECTION 21, T139N-R20W
NORTH DAKOTA

SECTION 21, T139N-R20W
A PART OF THE NORTH HILLS 15TH ADDITION OF THE NE 1/4 OF SECTION 21, T139N-R20W
BISMARCK, NORTH DAKOTA
BLOCK 1, NORTH HILLS 15TH ADDITION
SECTION 21, T139N-R20W
NORTH DAKOTA

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Sonnet Heights Subdivision Fifth Replat – Zoning Change (R5, R10, RT & CG to PUD, R10, RT & CG)		
Status: Planning Commission – Public Hearing	Date: April 27, 2011	
Owner(s): Jomani Developing, LLC; Emineth Family Trust; Richard & Delores Fischer; Kessel and Anderson Properties, LLP; and Gary Fischer	Engineer: Swenson, Hagen & Company	
Reason for Request: The applicants wish to develop the property for commercial uses on Lots 1 & 2, Block 1, and Lot 1, Block 2; residential/office uses on Lots 3 & 4, Block 1 and Lots 2-4, Block 2; single and two-family residential on Lots 5-9, Block 1; and single-family residential subdivision with a private alley along the back side of each lot for Lots 1-24, Block 3.		
Location: Along the west side of Ottawa Street between LaSalle Drive and 43 rd Avenue NE (A replat of Lot 4, Block 23, Lots 1-3, Block 24, Lots 10-27, Block 25, Lots 9-18, Block 26 and Lots 1-4, Block 27, Sonnet Heights Subdivision).		
Project Size: 13.25 acres	Number of Lots: 37 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Single and two-family residential, offices, and commercial uses including multi-family dwellings	
Zoning: R5 – Residential R10 – Residential RT – Residential CG – Commercial	Zoning: PUD – Planned Unit Development R10 – Residential RT – Residential CG – Commercial	
Uses Allowed: R5-Single-family residential R10-Single and two-family residential RT- Offices and multi-family residential CG-Multi-family residential and commercial uses	Uses Allowed: PUD-Single family residential R10-Single and two-family residential RT- Offices, multi-family CG-Multi-family residential and commercial uses	
Maximum Density Allowed: R5 – 5 units per acre R10 – 10 units per acre RT – 30 units per acre (multi-family residential) CG – 40 units per acre (multi-family residential)	Maximum Density Allowed: PUD – 6 units per acre (single family residential) R5 – 5 units per acre R10 – 10 units per acre RT – 30 units per acre (multi-family residential) CG – 40 units per acre (multi-family residential)	
PROPERTY HISTORY:		
Zoned: 05/07	Platted: 05/07	Annexed: 03/07

ADDITIONAL INFORMATION:

1. There is a 35-foot strip of land within Lots 1-2, Block 1 and Lot 1, Block 2 that is currently part of the Ottawa Street right-of-way. Owners along Ottawa Street have petitioned to vacate the east 35-feet and the west 35-feet of the Ottawa Street right-of-way. The Board of City Commissioners will be acting on this request during the regular meeting of April 26, 2011.
2. Sonnet Heights Subdivision 3rd Replat was created in 2009 with similar a PUD zoning classification. The PUD for Sonnet Heights 3rd Replat is the model for the proposed PUD zoning for Lots 1-24, Block 3; in which single-family dwellings is the sole permitted use. Each dwelling unit is adjacent to a private, 20-foot wide access easement/alleyway with a 20-foot front yard setback requirement.

FINDINGS:

1. The proposed zoning change would be consistent with the US Highway 83 Corridor Transportation Study recommendations, which identifies this area as urban residential and mixed uses. Mixed uses include residential, office and commercial uses.
2. The proposed zoning change is compatible with adjacent land uses. There is partially-developed single-family residential to the west, partially-developed single and two-family residential to the north, undeveloped property that is zoned RT – Residential to the south and commercial development to the east. There is one established, single-family dwelling unit directly adjacent to the southeast corner of the proposed subdivision. Should the property adjacent to the single-family dwelling be developed, vegetative buffer yards would be required on the south 20-feet of Lots 1 and 4, Block 1 and the east 20-feet of Lot 5, Block 4 that is adjacent to the single-family dwelling. A 20-foot landscape buffer yard is shown in the appropriate location on the plat.
3. The area is already annexed; therefore the zoning change will not place an undue burden on public services.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with all adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval for the zoning change for Sonnet Heights Subdivision Fifth Replat from CG-Commercial, RT-Residential, R10-Residential and R5-Residential to CG-Commercial for Lots 1-2, Block 1 and Lot 1, Block 2, to RT-Residential for Lots 3-4, Block 1 and Lots 2-4, Block 2, to R10-Residential for Lots 5-9, Block 1 and to PUD-Planned Unit Development for Lots 1-24, Block 3 as outlined in the attached PUD ordinance and with the following condition:

1. The west 35-feet and the east 35-feet of right-of-way along Ottawa Street has been vacated by the Board of City Commissioners.

ORDINANCE NO.

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R5 - Residential District, R10 - Residential District and RT - Residential district and included within the PUD - Planned Unit Development District.

Lots 1-24, Block 3, Sonnet Heights Subdivision Fifth Replat.

This PUD is subject to the following development standards:

1. *Uses Permitted*. Permitted uses include single-family dwellings. Any change in the use of the property will require an amendment to this PUD. All other uses not included shall be prohibited.
2. *Development Standards*. Each buildable lot shall have an area of not less than 7,000 square feet, a front property line width of not less than 50 feet measured at the property line, and a front yard setback of 20 feet. All other development standards, including lot coverage, side yards and height limits shall be the same as the R5-Residential standards.
3. *Density*. The maximum allowable density shall be 26 units.

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the R10-Residential zoning district and included in the R10-Residential zoning district:

Lots 5-9, Block 1, Sonnet Heights Subdivision Fifth Replat.

Section 3. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RT-Residential zoning district and the CG-Commercial zoning district and included in the RT-Residential District:

Lots 3-4, Block 1, 2-4, Block 2, Sonnet Heights Subdivision Fifth Replat.

Section 4. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following property shall be excluded from the RT-Residential zoning district and CG-Commercial zoning district and included in the CG-Commercial district:

Lots 1-2, Block 1, Sonnet Heights Subdivision 5th Replat.

Section 5. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

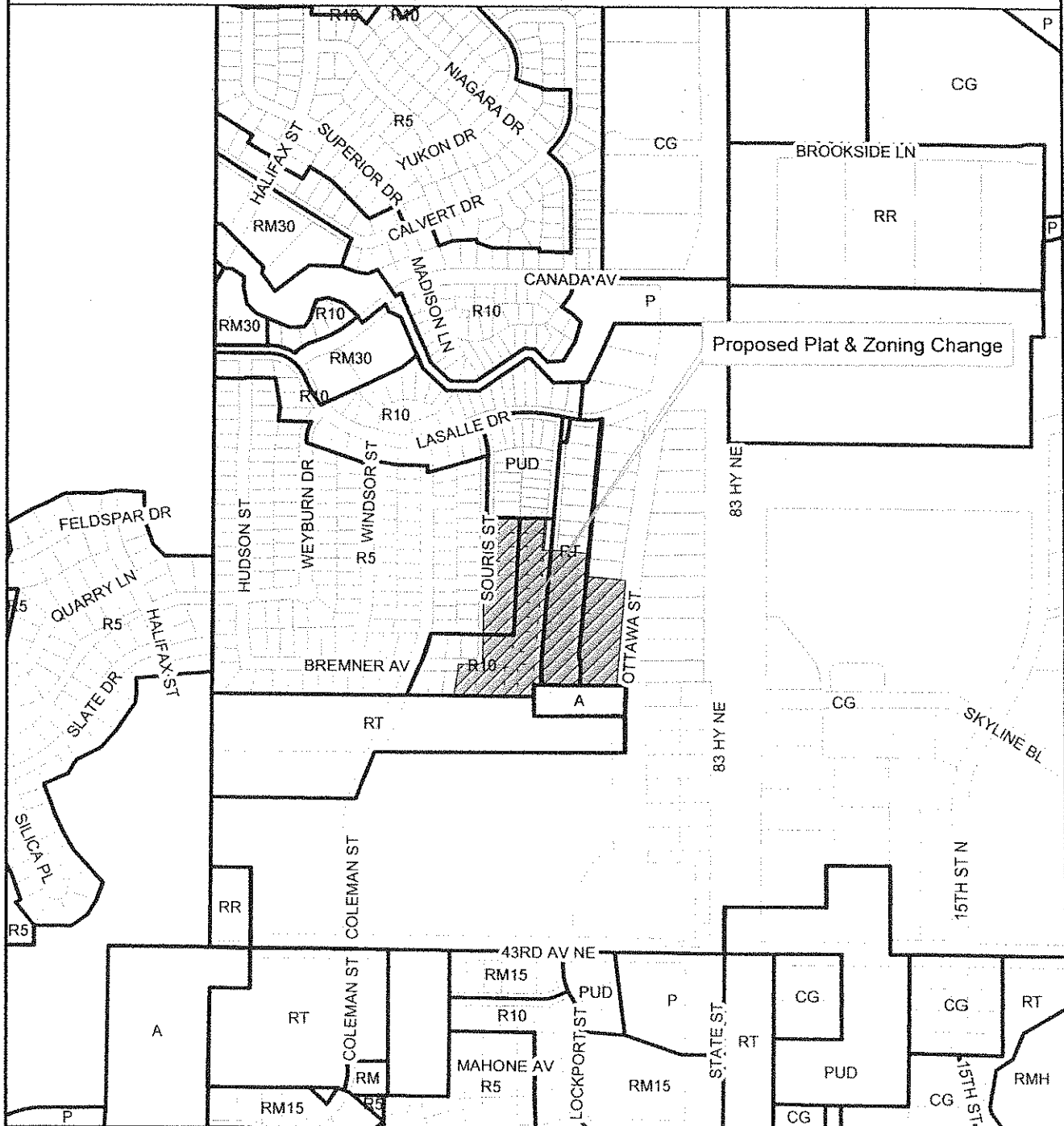
The following property shall be excluded from the CG-Commercial zoning district and included in the CG-Commercial district:

Lots 1, Block 2, Sonnet Heights Subdivision 5th Replat.

Section 6. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Proposed Plat & Zoning Change (R5, R10, RT & CG to PUD, R10, RT and CG) Sonnet Heights Subdivision Fifth Replat



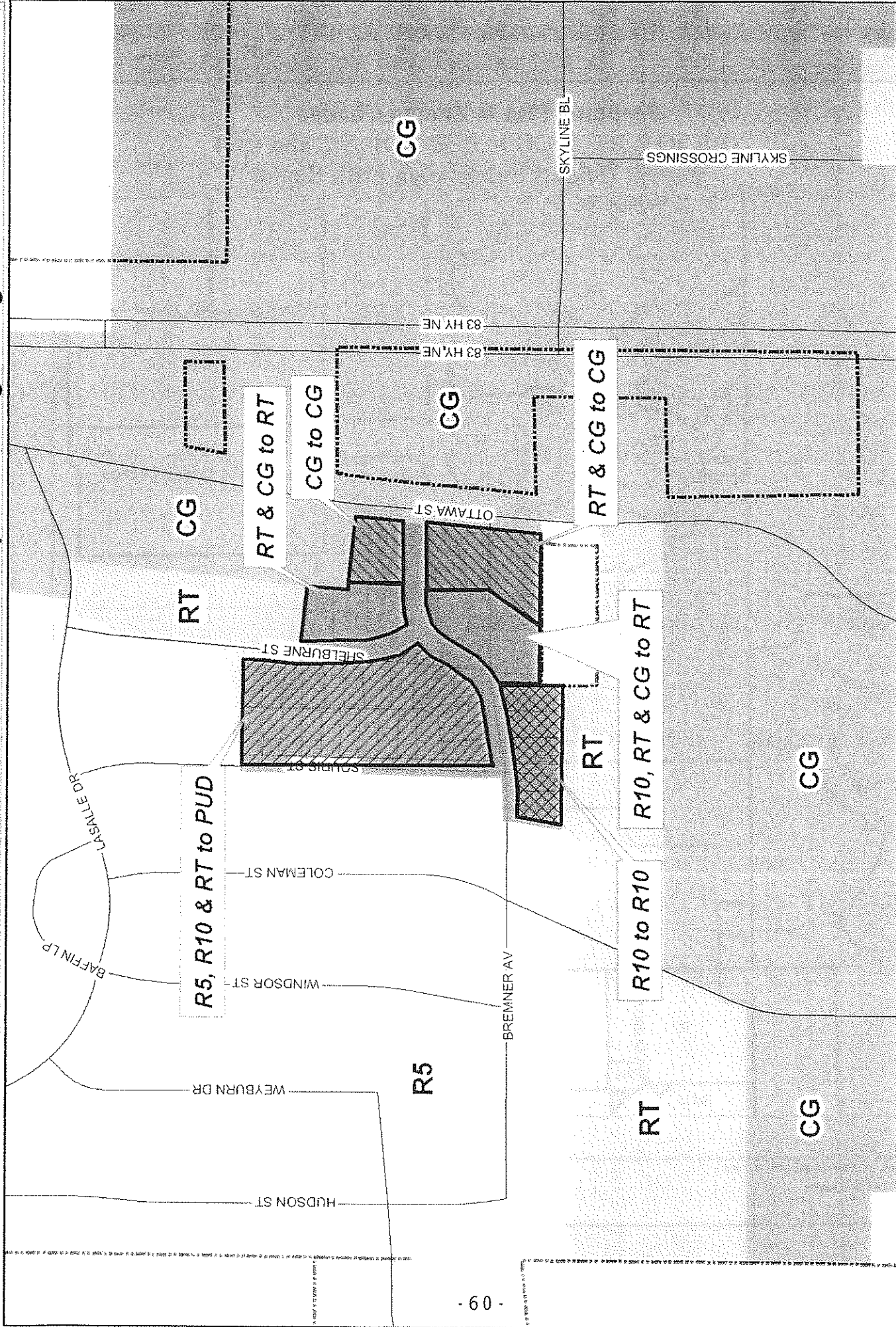
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created April 7, 2011 (kdg)

Source: City of Bismarck



0 600 1,200 Feet

Sonnet Heights Subdivision 5th Replat - Zoning Change



April 2011

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Sonnet Heights Subdivision Fifth Replat – Final Plat		
Status: Planning Commission – Public Hearing	Date: April 27, 2011	
Owner(s): Jomani Developing, LLC; Emineth Family Trust; Richard & Delores Fischer; Kessel and Anderson Properties, LLP; and Gary Fischer	Engineer: Swenson, Hagen & Company	
Reason for Request: The applicants wish to develop the property for commercial uses on Lots 1 & 2, Block 1, and Lot 1, Block 2; residential/office uses on Lots 3 & 4, Block 1 and Lots 2-4, Block 2; single and two-family residential on Lots 5-9, Block 1; and single-family residential subdivision with a private alley along the back side of each lot for Lots 1-24, Block 3.		
Location: Along the west side of Ottawa Street between LaSalle Drive and 43 rd Avenue NE (A replat of Lot 4, Block 23, Lots 1-3, Block 24, Lots 10-27, Block 25, Lots 9-18, Block 26 and Lots 1-4, Block 27, Sonnet Heights Subdivision).		
Project Size: 13.25 acres	Number of Lots: 37 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential R10 – Residential RT – Residential CG – Commercial	Land Use: Single and two-family residential, offices, and commercial uses including multi-family dwellings	
Uses Allowed: R5-Single-family residential R10-Single and two-family residential RT- Offices and multi-family residential CG-Multi-family residential and commercial uses	Zoning: PUD – Planned Unit Development R10 – Residential RT – Residential CG – Commercial	
Maximum Density Allowed: R5 – 5 units per acre R10 – 10 units per acre RT – 30 units per acre (multi-family residential) CG – 40 units per acre (multi-family residential)	Uses Allowed: PUD-Single family residential R10-Single and two-family residential RT- Offices, multi-family CG-Multi-family residential and commercial uses	
Maximum Density Allowed: R5 – 5 units per acre R10 – 10 units per acre RT – 30 units per acre (multi-family residential) CG – 40 units per acre (multi-family residential)	Maximum Density Allowed: PUD – 6 units per acre (single family residential) R5 – 5 units per acre R10 – 10 units per acre RT – 30 units per acre (multi-family residential) CG – 40 units per acre (multi-family residential)	
PROPERTY HISTORY:		
Zoned: 05/07	Platted: 05/07	Annexed: 03/07

ADDITIONAL INFORMATION:

1. There is a 35-foot strip of land within Lots 1-2, Block 1 and Lot 1, Block 2 that is currently part of the Ottawa Street right-of-way. Owners along Ottawa Street have petitioned to vacate the east 35-feet and the west 35-feet of the Ottawa Street right-of-way. The Board of City Commissioners will be acting on this request during the regular meeting of April 26, 2011.
2. Sonnet Heights Subdivision 3rd Replat was created in 2009 with similar a PUD zoning classification. The PUD for Sonnet Heights 3rd Replat is the model for the proposed PUD zoning for Lots 1-26, Block 3; in which single-family dwellings is the sole permitted use. Each dwelling unit is adjacent to a private, 20-foot wide access easement/alleyway with a 20-foot front yard setback requirement.

FINDINGS:

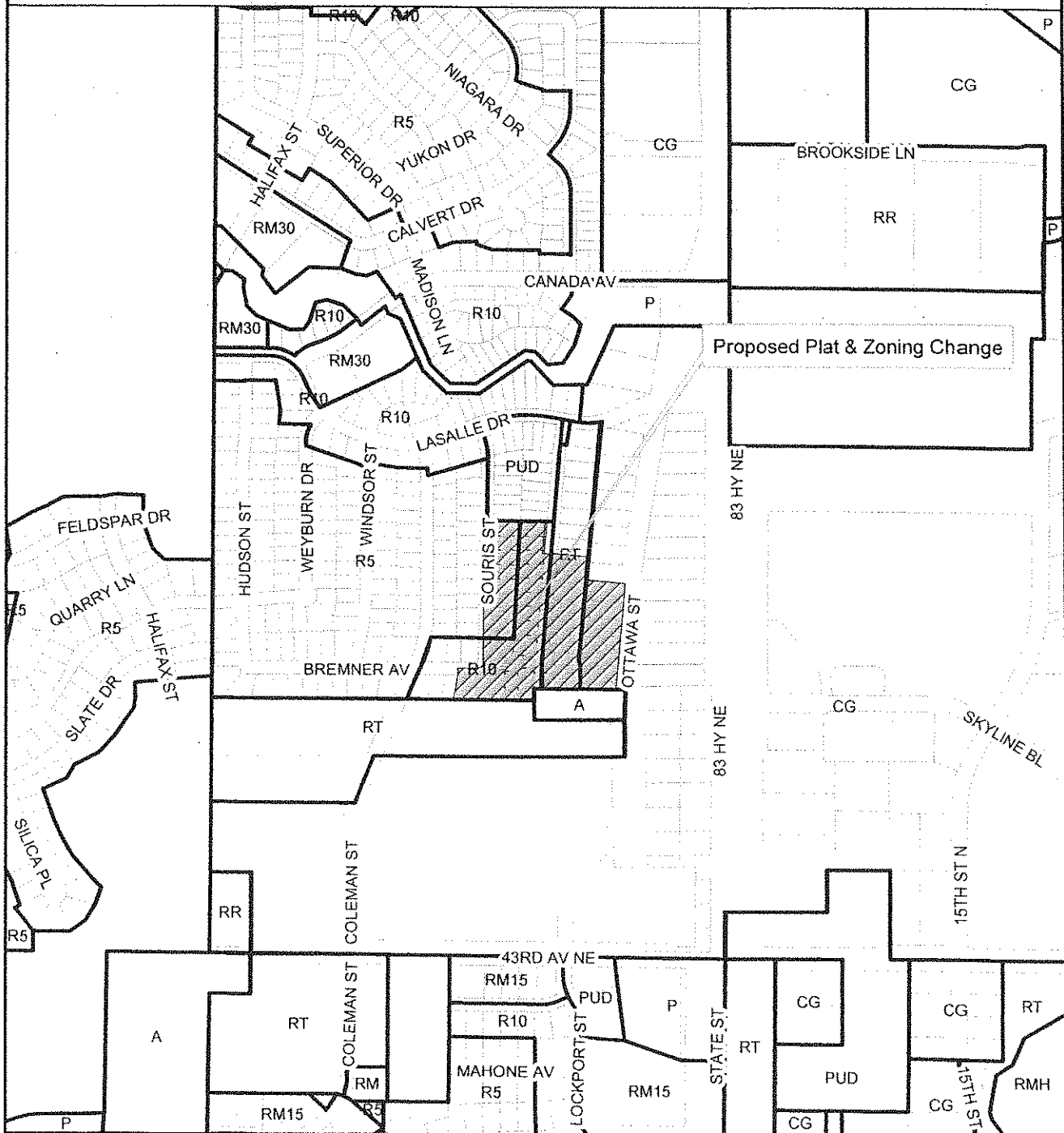
1. All technical requirements for consideration of a final plat have been met.
2. The proposed subdivision is consistent with the Fringe Area Road Master Plan, which identifies Ottawa Street as a north-south collector roadway for Section 16.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision is compatible with adjacent land uses. There is partially-developed single-family residential to the west, partially-developed single and two-family residential to the north, undeveloped property that is zoned RT – Residential to the south and commercial development to the east. There is one established, single-family dwelling unit directly adjacent to the southeast corner of the proposed subdivision. Should the property adjacent to the single-family dwelling be developed while the residence is occupied; vegetative buffer yards would be required on the south 20-feet of Lots 1 and 4, Block 1 and the east 20-feet of Lot 5, Block 4 that is adjacent to the single-family dwelling.
5. The proposed subdivision is already a completely annexed; therefore, the proposed subdivision would not place an undue burden on public services.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat for Sonnet Heights Subdivision Fifth Replat with the following condition:

1. The west 35-feet and the east 35-feet of right-of-way along Ottawa Street has been vacated by the Board of City Commissioners.

Proposed Plat & Zoning Change (R5, R10, RT & CG to PUD, R10, RT and CG) Sonnet Heights Subdivision Fifth Replat



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: April 7, 2011 (kdj)

Source: City of Bismarck



0 600 1,200 Feet

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APR 19 2011

SONNET HEIGHTS SUBDIVISION FIFTH REPLAT

BEING A REPLAT OF LOT 4 BLOCK 23 LOTS 1-3 BLOCK 24 LOTS 10-27 BLOCK 25 LOTS 9-18 BLOCK 26 & LOTS 1-4 BLOCK 27
AND THE ADJOINING RIGHT OF WAY OF SHELBURNE STREET, BREMNER AVENUE, SOURIS STREET, AND THE WEST 38.0 FEET OF OLD HIGHWAY 83 RIGHT OF WAY
SONNET HEIGHTS SUBDIVISION
EAST 1/2 SECTION 16, T. 139 N., R. 80 W.,
BURLEIGH COUNTY, NORTH DAKOTA

BISMARCK, NORTH DAKOTA

DESCRIPTION

LOTS 4 BLOCK 23, LOTS 1-3 BLOCK 24, LOTS 10-27 BLOCK 25, LOTS 9-18 BLOCK 26 AND LOTS 1-4 BLOCK 27 AND THE ADJOINING RIGHT OF WAY OF SOURIS STREET, SHELBURNE STREET AND BREMNER AVENUE, SONNET HEIGHTS SUBDIVISION AND THE ADJOINING WEST HALF FEET OF OTTAWA STREET BISMARCK, NORTH DAKOTA, CONTAINING 13.25 ACRES, MORE OR LESS.

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, ON THE DAY OF 2011, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA. ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF I HAVE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN

CARL D. HONENSTADT - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE ORDINANCES AS SHOWN ON THE ANNEXED PLAT AS IN ACCORDANCE TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE DAY OF 2011.

ATTEST W.C. MOORE
CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "SONNET HEIGHTS SUBDIVISION FIFTH REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

APPROVAL OF CITY ENGINEER

I, TERRY BALTZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON OCTOBER 29, 2010, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT ALL MONUMENTS REQUIRED TO BE SET PRIOR TO RECORDING HAVE BEEN SET.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)
SWENSON, PAGON & CO. P.C.
308 BUSH AVENUE
BISMARCK, ND 58504

TERRY BALTZER
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 3545

ON THIS DAY OF 2011, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2018

OWNER'S CERTIFICATE & DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS THAT WADE FELTON-JOHANN DEVELOPING, LLC, EDWENH FAMILY TRUST, GARY FISCHER, RICHARD FISCHER, COLGERS FISCHER, KESSEL, AND ANDERSON PROPERTIES LLP BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SONNET HEIGHTS SUBDIVISION FIFTH REPLAT", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, DRAINAGE, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESCRIBED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE STORM WATER & DRAINAGE EASEMENTS TO RUN WITH THE LAND FOR CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTAINING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREIN, UNDER, ON, OVER, THROUGH, AND ACROSS SAID EASEMENT FOR SURFACE WATER DRAINAGE AND MANAGEMENT OF STORM WATER FLOW OVER AND/OR UNDER SAID EASEMENT.

STATE OF NORTH DAKOTA)
COUNTY OF)

WADE FELTON, JOHANN DEVELOPING, LLC,
503 GREENFIELD LANE
BISMARCK, NORTH DAKOTA 58503
OWNER OF LOTS 1-4 BLOCK 1
LOTS 1-4 BLOCK 2 LOTS 7-11 BLOCK 3
LOTS 13-24 BLOCK 3
SONNET HEIGHTS FIFTH REPLAT

ON THIS DAY OF 2011, BEFORE ME PERSONALLY APPEARED WADE FELTON OF JOHANN DEVELOPING, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

STATE OF)
COUNTY OF)

EDWENH FAMILY TRUST
15300 HWY 1804
MEMPHIS, MO 64604
OWNER OF LOTS 1-4 BLOCK 3
SONNET HEIGHTS SUBDIVISION FIFTH REPLAT

ON THIS DAY OF 2011, BEFORE ME PERSONALLY APPEARED EDWENH FAMILY TRUST, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
COUNTY
MY COMMISSION EXPIRES

STATE OF)
COUNTY OF)

RICHARD FISCHER
723 N 2340 STREET
BISMARCK, ND 58501
OWNER OF LOTS 1-4 BLOCK 3
SONNET HEIGHTS SUBDIVISION
FIFTH REPLAT

ON THIS DAY OF 2011, BEFORE ME PERSONALLY APPEARED RICHARD FISCHER AND COLGERS FISCHER KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
COUNTY
MY COMMISSION EXPIRES

STATE OF)
COUNTY OF)

GARY FISCHER
237 S STREET
SALT LAKE CITY, UT 84103
OWNER OF LOT 1 BLOCK 1
SONNET HEIGHTS SUBDIVISION FIFTH REPLAT

ON THIS DAY OF 2011, BEFORE ME PERSONALLY APPEARED GARY FISCHER KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

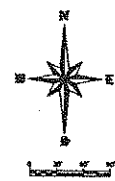
NOTARY PUBLIC
COUNTY
MY COMMISSION EXPIRES

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

KESSEL AND ANDERSON PROPERTIES LLP
3241 ARIZONA DRIVE
BISMARCK, ND 58501
OWNER OF LOTS 5-8 BLOCK 1
SONNET HEIGHTS SUBDIVISION FIFTH REPLAT

ON THIS DAY OF 2011, BEFORE ME PERSONALLY APPEARED DEAN KESSEL, OF KESSEL AND ANDERSON PROPERTIES LLP, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES



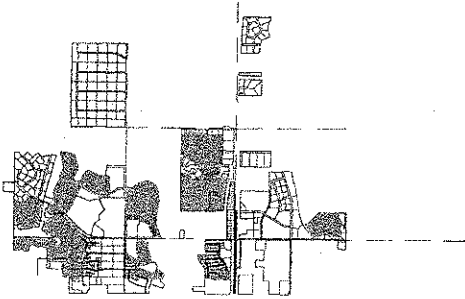
CURVED CURVE DATA

NUMBER	DELTA ANGLE	TANGENT	RADIUS	ARC LENGTH
A	27.25 40'	46.75	300.00	95.63
B	3.06 37'	63.11	150.00	51.74
C	27.25 40'	46.75	300.00	95.63
D	1.04 21 50"	36.30	854.83	75.73



AUG 17 2010

SONNET HEIGHTS SUBDIVISION FIFTH REPLAT BEING A REPLAT OF LOT 4 BLOCK 23 LOTS 1-3 BLOCK 24 LOTS 10-27 BLOCK 25 LOTS 6-18 BLOCK 26 & LOTS 1-4 BLOCK 27 SONNET HEIGHTS SUBDIVISION EAST 1/2 SECTION 18, T. 138 N., R. 80 W., BURLEIGH COUNTY, NORTH DAKOTA **BISMARCK, NORTH DAKOTA**



LOCATION MAP

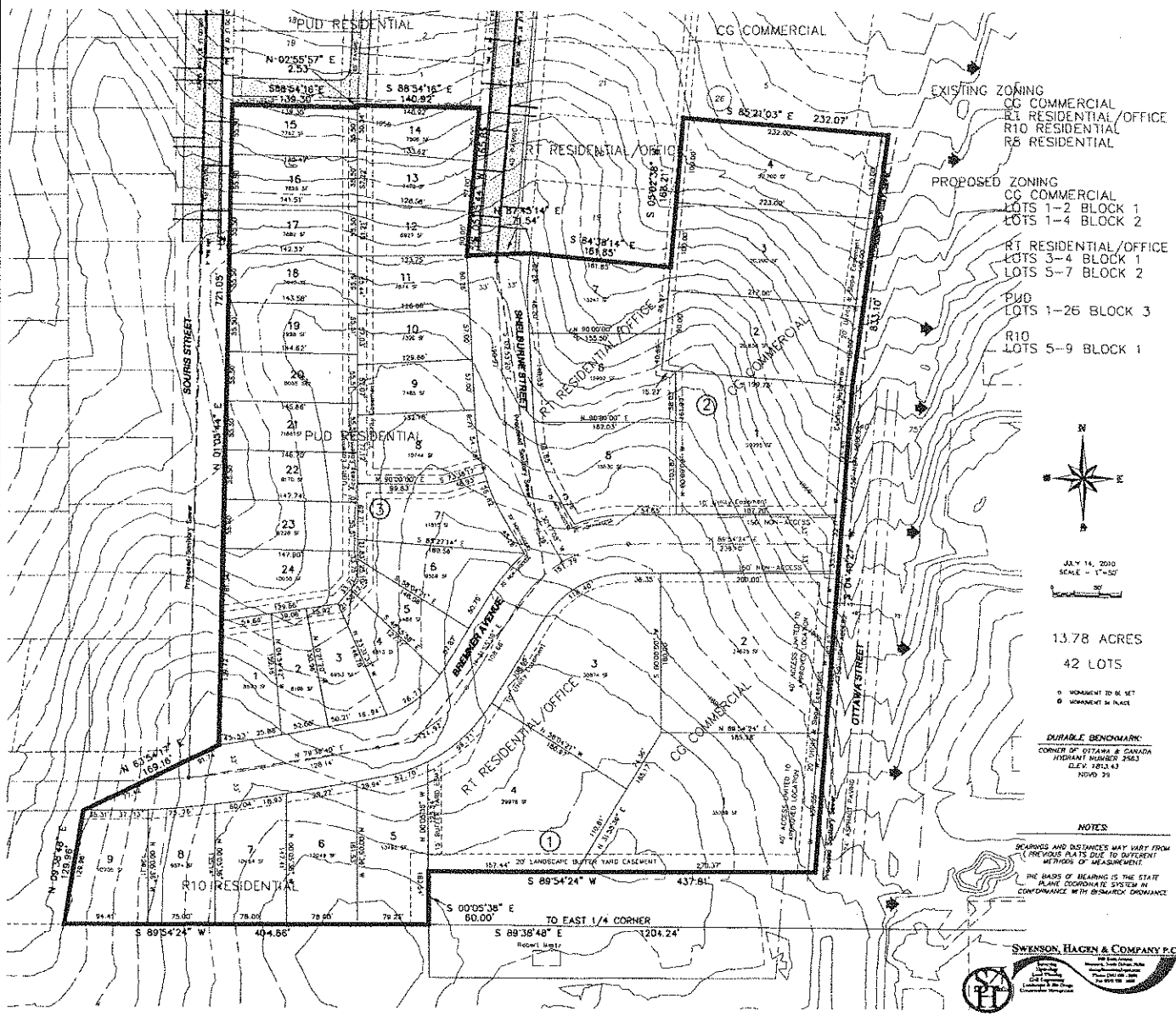
OWNERS: JOMANI DEVELOPMENT
 503 GREENFIELD LANE
 BISMARCK ND 58503

RICHARD FISCHER
 722 N 22ND STREET
 BISMARCK ND 58501

DEAN KESSEL
 3241 ARIZONA DRIVE
 BISMARCK ND 58503

GARY FISCHER
 237 B STREET
 SALT LAKE CITY UT 84103

GREG & IVAN TSCHOER
 316 N 5TH STREET
 BISMARCK ND 58501

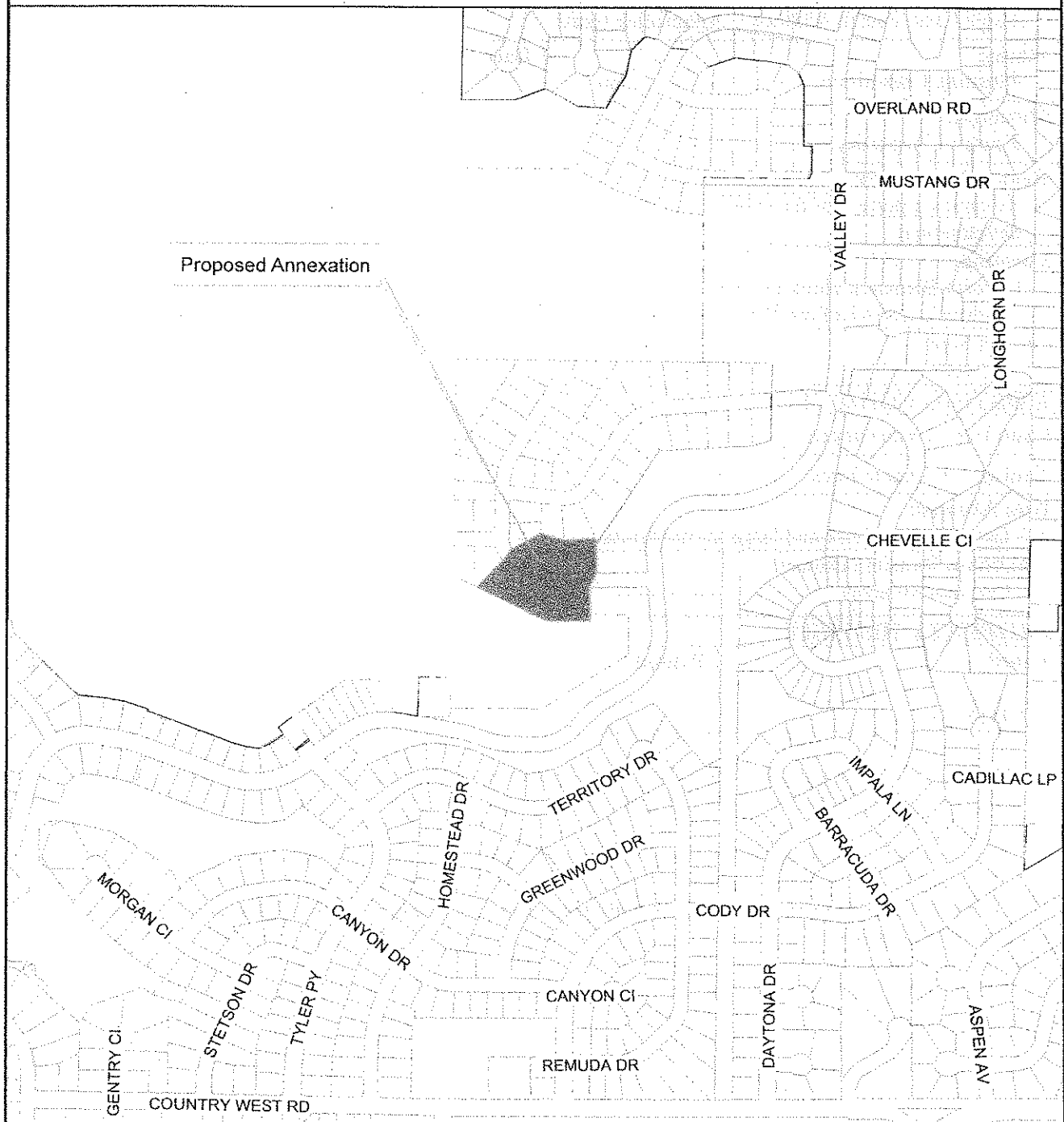


Document is preliminary and not for construction, recording purposes or implementation unless Signed and Stamped

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

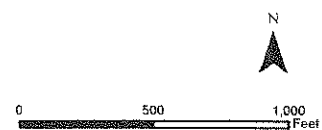
BACKGROUND:		
Title: Eagle Crest Fourth Addition – Annexation (part)		
Status: Planning Commission – Final Consideration	Date: April 27, 2011	
Owner(s): Knutson Properties, LLP	Engineer: Swenson Hagen & Co.	
Reason for Request: To annex a portion of the subdivision for phased improvements to this single-family residential development.		
Location: In north Bismarck along the west side of Valley Drive between Tyler Parkway and Mustang Drive (Auditor's Lot A1 of the NW¼ and SW¼ of Section 20, T139N-R80W/Hay Creek Township)		
Project Size: 3.65 acres	Number of Lots: 9 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A–Agricultural	Land Use: Single-family residential	
Uses Allowed: A – General agriculture and large lot residential.	Zoning: R5–Residential	
Maximum Density Allowed: A – One unit/40 acres	Uses Allowed: R5 – Single-family residential	
	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends annexation of a portion of Eagle Crest Fourth Addition (Lots 1-5 of Block 1 and Lots 16-19 of Block 2).		

Proposed Annexation Lots 1-5, Block 1 & Lots 16-19, Block 2 Eagle Crest Fourth Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: April 21, 2011 (kog)

Source: City of Bismarck

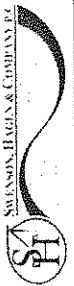
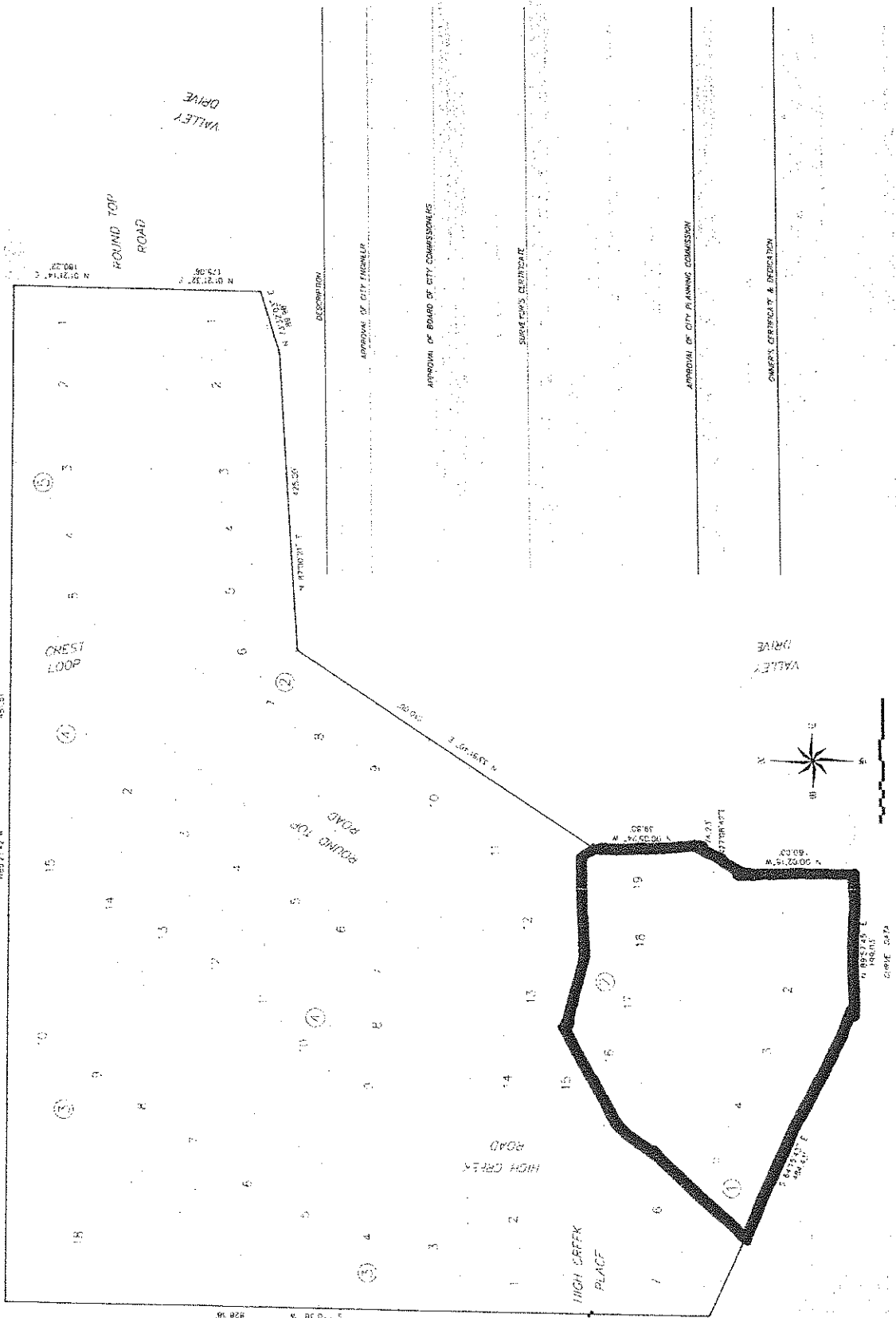


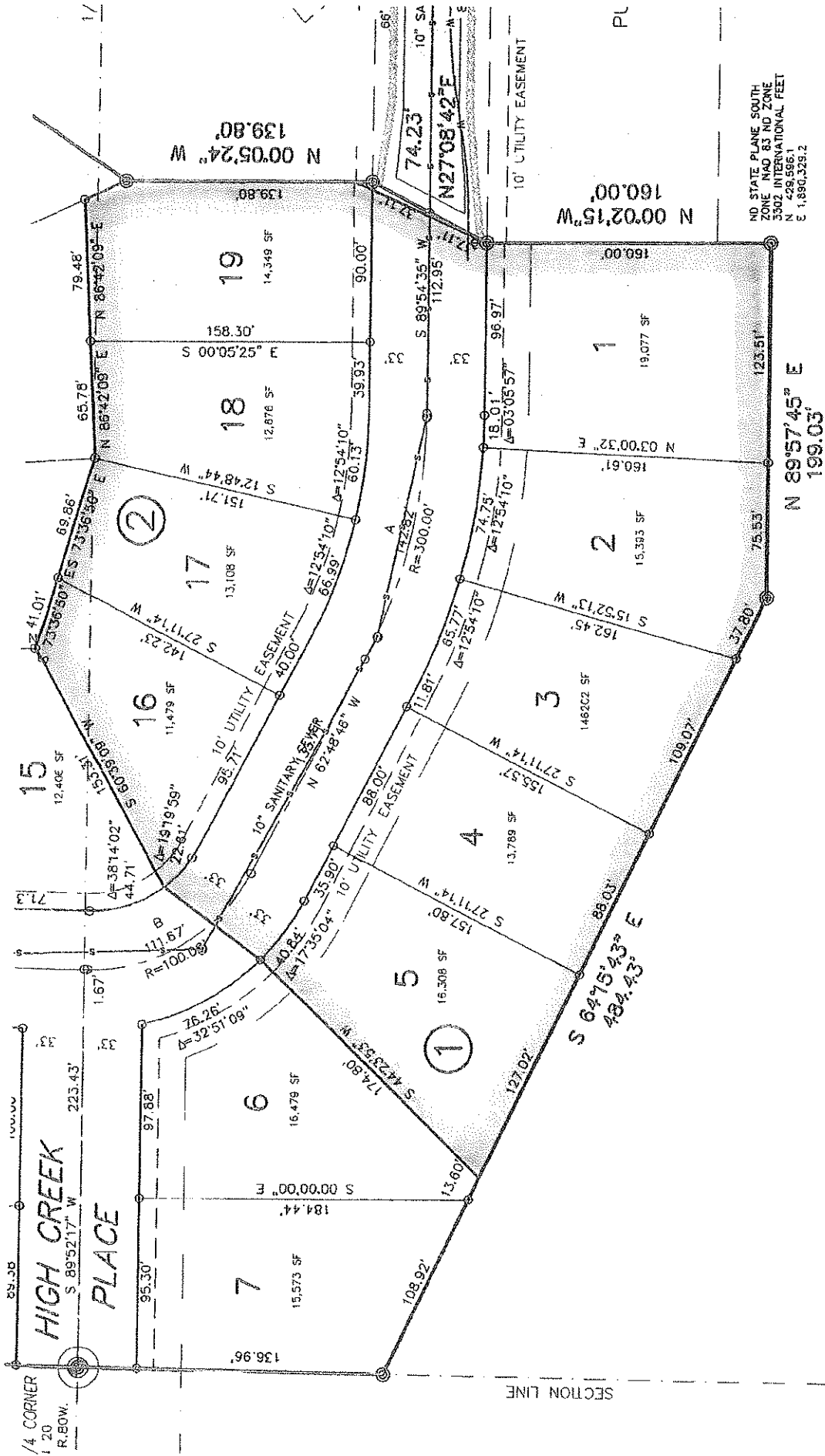
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EAGLE CREST FOURTH ADDITION

AUDITOR'S LOT A1 OF THE NW 1/4 & SW 1/4 OF
SECTION 20, T. 139 N., R. 80 W.
BISMARCK, NORTH DAKOTA





Annexation 3.65 Acres
 Lots 1-5 Block 1 & Lots 16-19 Block 2

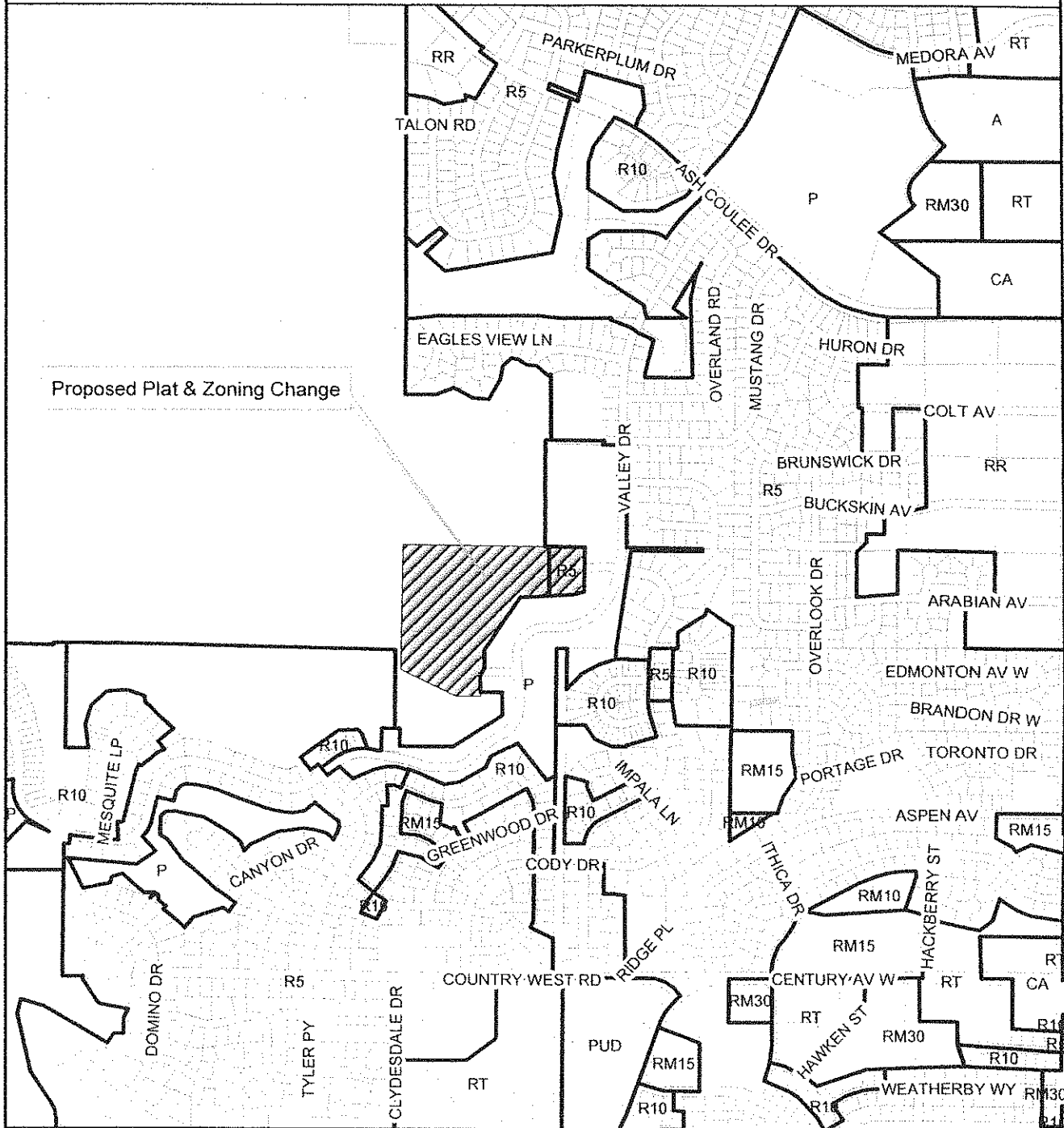
BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Eagle Crest Fourth Addition – Zoning Change (A & R5 to R5)		
Status: Planning Commission – Public Hearing	Date: April 27, 2011	
Owner(s): Knutson Properties, LLP	Engineer: Swenson Hagen & Co.	
Reason for Request: Plat, zone, and annex property for single-family residential development.		
Location: In north Bismarck along the west side of Valley Drive between Tyler Parkway and Mustang Drive (Auditor's Lot A1 of the NW¼ and SW¼ of Section 20, T139N-R80W/Hay Creek Township)		
Project Size: 26.11 acres	Number of Lots: 56 lots in 5 blocks	
EXISTING CONDITIONS:		PROPOSED CONDITIONS:
Land Use: Undeveloped		Land Use: Single-family residential
Zoning: A–Agricultural and R5–Residential		Zoning: R5–Residential
Uses Allowed: A – General agriculture and large lot residential. R5 – Single-family residential		Uses Allowed: R5 – Single-family residential
Maximum Density Allowed: A – One unit/40 acres R5 – 5 units/acre		Maximum Density Allowed: R5 – 5 units/acre
PROPERTY HISTORY:		
Zoned: Part – 06/00	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as urban residential and open space (Bismarck-Mandan Regional Land Use Plan). 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped agricultural land to the south, west, and north. There is public land to the east and a park to the northeast. 3. The subdivision proposed for this property would be annexed prior to development; therefore, the zoning change will not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 6. The proposed zoning change is consistent the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change for Eagle Crest Fourth Addition from A-Agricultural and R5-Residential to R5-Residential.

Proposed Plat & Zoning Change (A to R5) Eagle Crest Fourth Addition



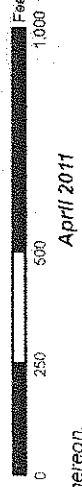
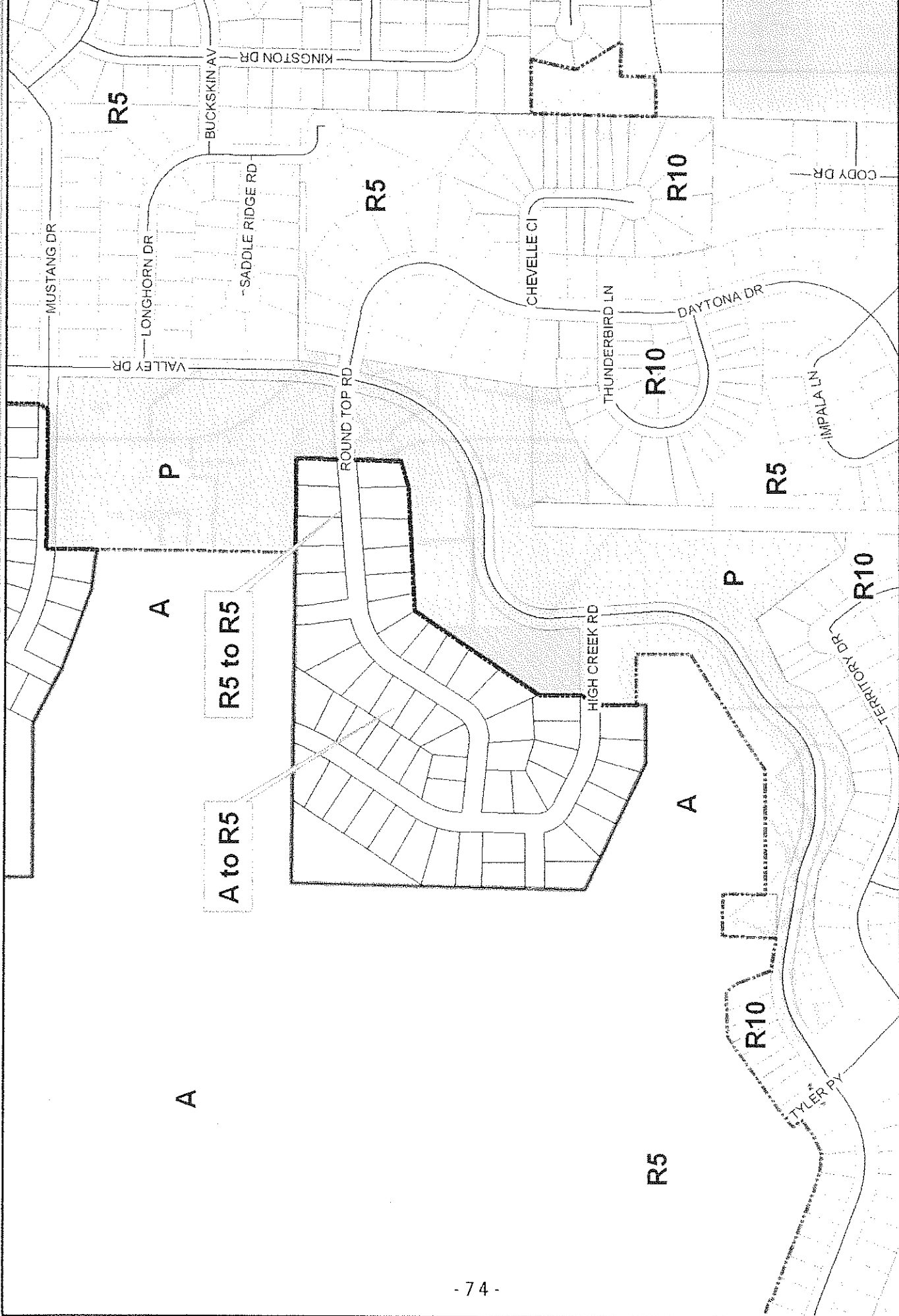
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Map was Updated/Created: April 15, 2011 (kdg)

Source: City of Bismarck



0 900 1,800
Feet

Eagle Crest 4th Addition - Zoning Change - A & R5 to R5



April 2011

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Eagle Crest Fourth Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: April 27, 2011	
Owner(s): Knutson Properties, LLP	Engineer: Swenson Hagen & Co.	
Reason for Request: Plat, zone, and annex property for single-family residential development.		
Location: In north Bismarck along the west side of Valley Drive between Tyler Parkway and Mustang Drive (Auditor's Lot A1 of the NW¼ and SW¼ of Section 20, T139N-R80W/Hay Creek Township)		
Project Size: 26.11 acres	Number of Lots: 56 lots in 5 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A–Agricultural and R5–Residential	Land Use: Single-family residential	
Uses Allowed: A – General agriculture and large lot residential. R5 – Single-family residential	Zoning: R5–Residential	
Maximum Density Allowed: A – One unit/40 acres R5 – 5 units/acre	Uses Allowed: R5 – Single-family residential	
Maximum Density Allowed: R5 – 5 units/acre		
PROPERTY HISTORY:		
Zoned: Part – 06/00	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> 1. There is an adjoining area of developable land along the west side of this plat. Conceptual plans for development of this land have been prepared. Proper access has been provided for that land which would otherwise be landlocked because of steep terrain. 2. The westward projection of the future street providing this access, High Creek Place, is approximately centered on the high ground of the existing topography. This location should allow new lots to be created on both sides of the future westward extension of that street. 3. The future westward extension of High Creek Place will require cooperation between existing adjacent land owners. High Creek Place is centered on the quarter line which is also a property ownership boundary, with different land owners on each side of the quarter line for the property directly west of this plat. 		
(continued)		

4. The main east/west street in this plat is improperly named Round Top Road. At the intersection with Valley Drive, the existing street coming in from the east is named Daytona Drive. The name Daytona Drive should be maintained for the westward continuation from that intersection. Using the name Daytona Drive will avoid confusion for public sector emergency services, private sector services, deliveries etc., and better serve the future residents of this area. This is supported by the zoning ordinance.

14-09-05 (6)(n) "No street names will be used that will duplicate or be confused with the names of existing streets. Streets that are now or will eventually be continuations of existing streets shall be called by the names of the existing streets. The city shall make at least general recommendations for street names."

FINDINGS:

1. All technical requirements for approval of a final plat have been met.
2. The City Engineer has approved the Storm Water Management Plan.
3. The proposed subdivision does not impact the Fringe Area Road Master Plan for the area, which identifies Valley Drive as the north-south collector for this section.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include undeveloped agricultural land to the south, west, and north. There is public land to the east and a public park to the northeast.
5. The proposed subdivision would be annexed prior to development; therefore, it will not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity; public access has been provided to the adjoining property west of this plat.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat of Eagle Crest Fourth Addition with the condition that the street name be changed from Round Top Road to Daytona Drive prior to the final plat being forwarded to the City Commission for final action.

**Proposed Plat & Zoning Change (A to R5)
Eagle Crest Fourth Addition**

The map displays various streets including Parkerplum Dr, Talon Rd, Eagles View Ln, Valley Dr, Overland Rd, Mustang Dr, Huron Dr, Colt Av, Brunswick Dr, Buckskin Av, Arabian Av, Edmonton Av W, Brandon Dr W, Toronto Dr, Aspen Av, Hackberry St, Century Av W, Weatherby Wy, Ridge Pl, Country West Rd, Clydesdale Dr, Tyler Py, Domino Dr, Canyon Dr, Mesquite LP, and Ash Coulee Dr.

Zoning designations shown include RR, R5, R10, P, RM30, RT, CA, A, BR, R15, RM15, RM10, R1, and PU D. A specific area is highlighted with diagonal hatching and labeled "Proposed Plat & Zoning Change".

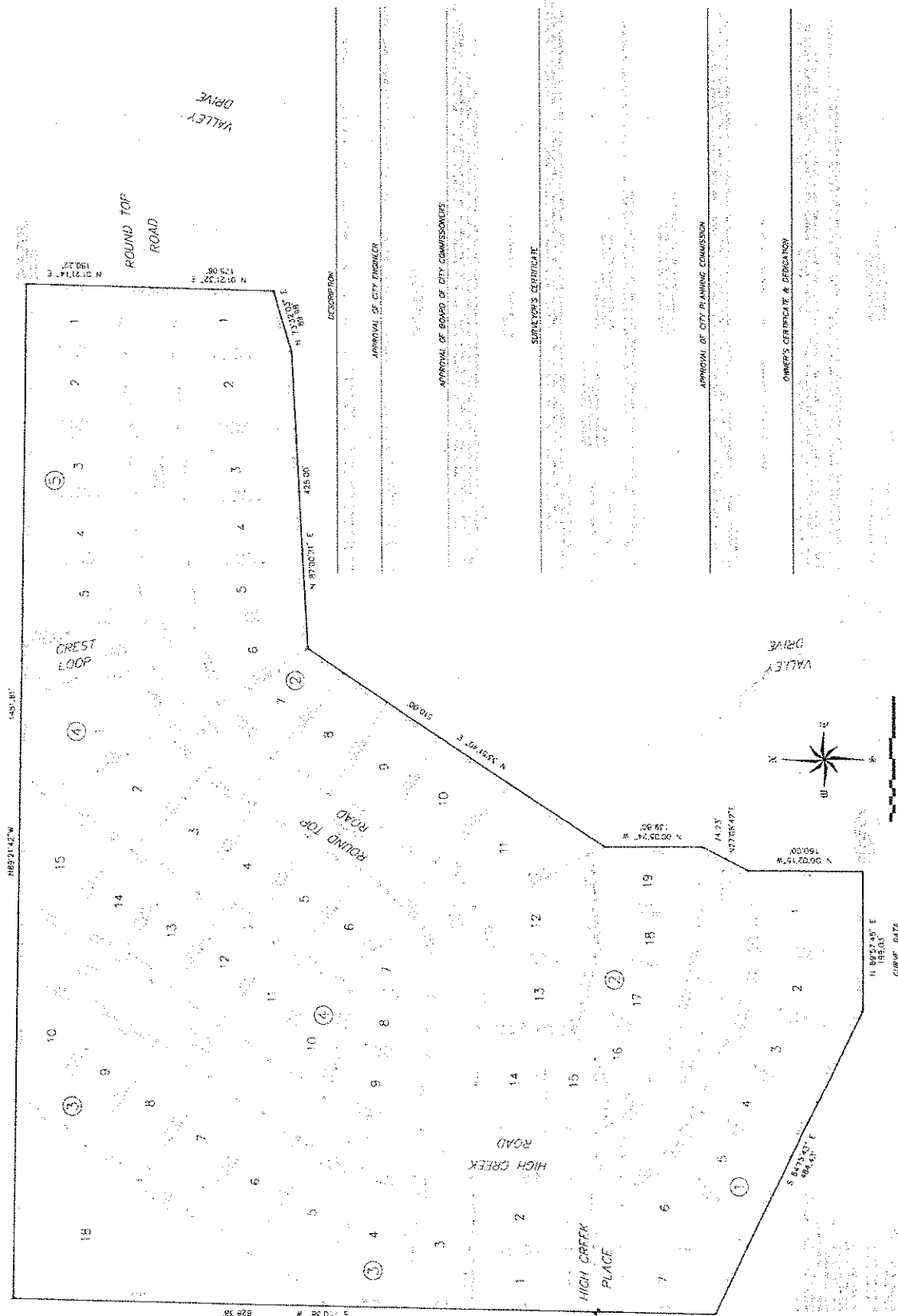
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: April 15, 2011 (kdg)

Source: City of Bismarck

A north arrow and a scale bar indicating distances up to 900 feet are located at the bottom right of the map.

RECEIVED
APR 15 2011

EAGLE CREST FOURTH ADDITION
AUDITOR'S LOT A1 OF THE NW 1/4 & SW 1/4 OF
SECTION 20, T. 139 N., R. 80 W.
BISMARCK, NORTH DAKOTA



EAGLE CREST FOURTH ADDITION BISMARCK NORTH DAKOTA

PRELIMINARY PLAT

AUDITOR'S LOT A1 OF THE NW 1/4 & SW 1/4 OF
SECTION 20, T. 139 N., R. 80 W.
BISMARCK, NORTH DAKOTA

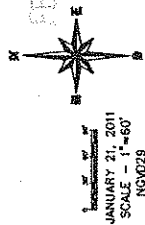
OWNER:
NUTSON PROPERTIES, L.L.P.
1268 EAGLE CREST LOOP
BISMARCK, ND 58501
286-3464

ZONING:
EXISTING: A
PROPOSED: RS

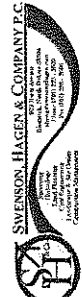
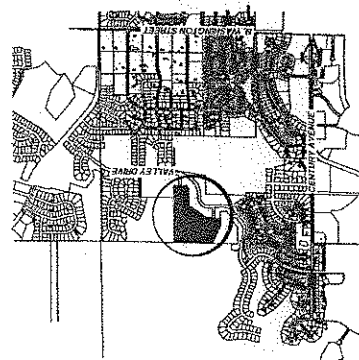
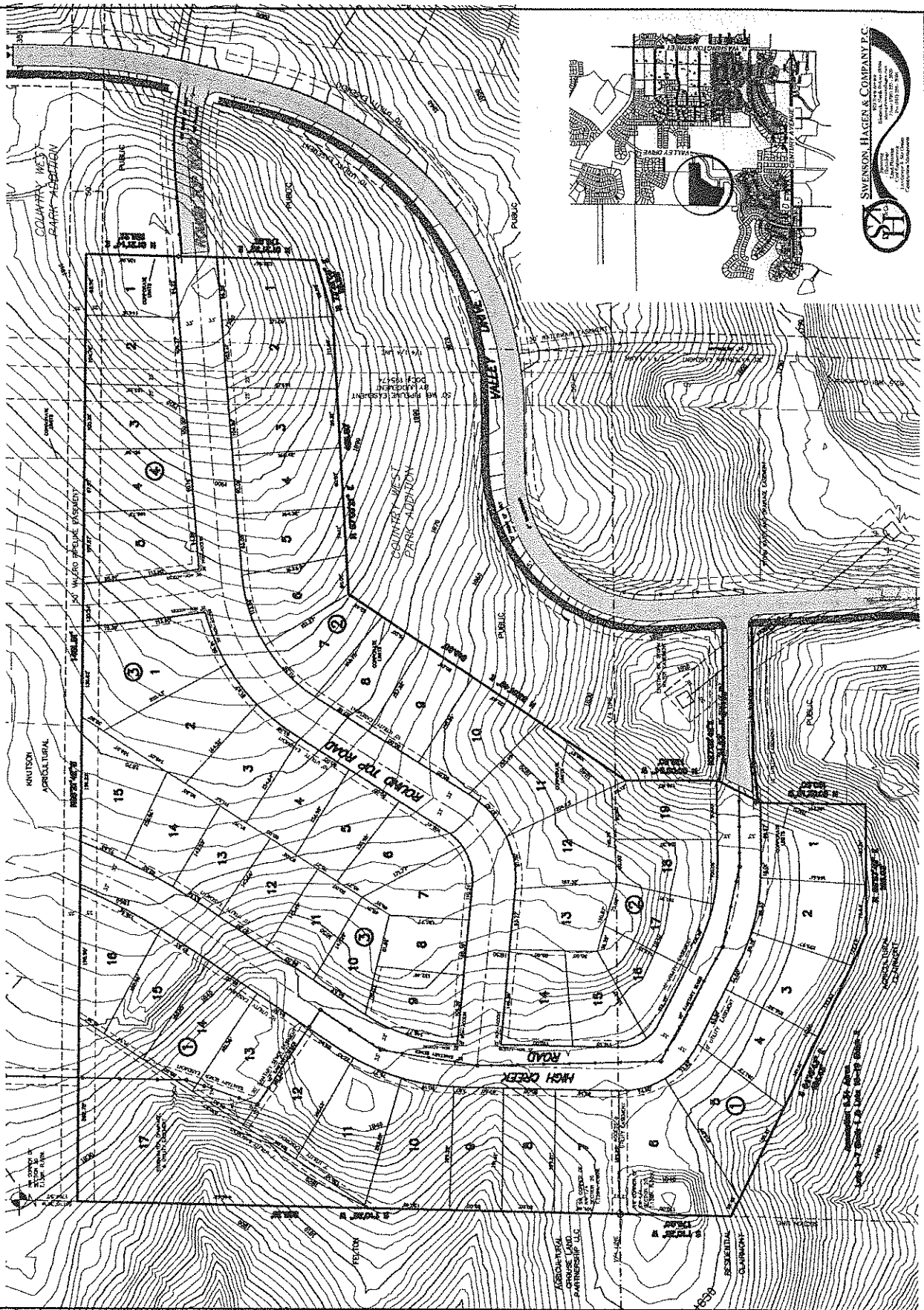
ACREAGE:
TOTAL: .2572 Acres

LOTS:
TOTAL: 36 LOTS

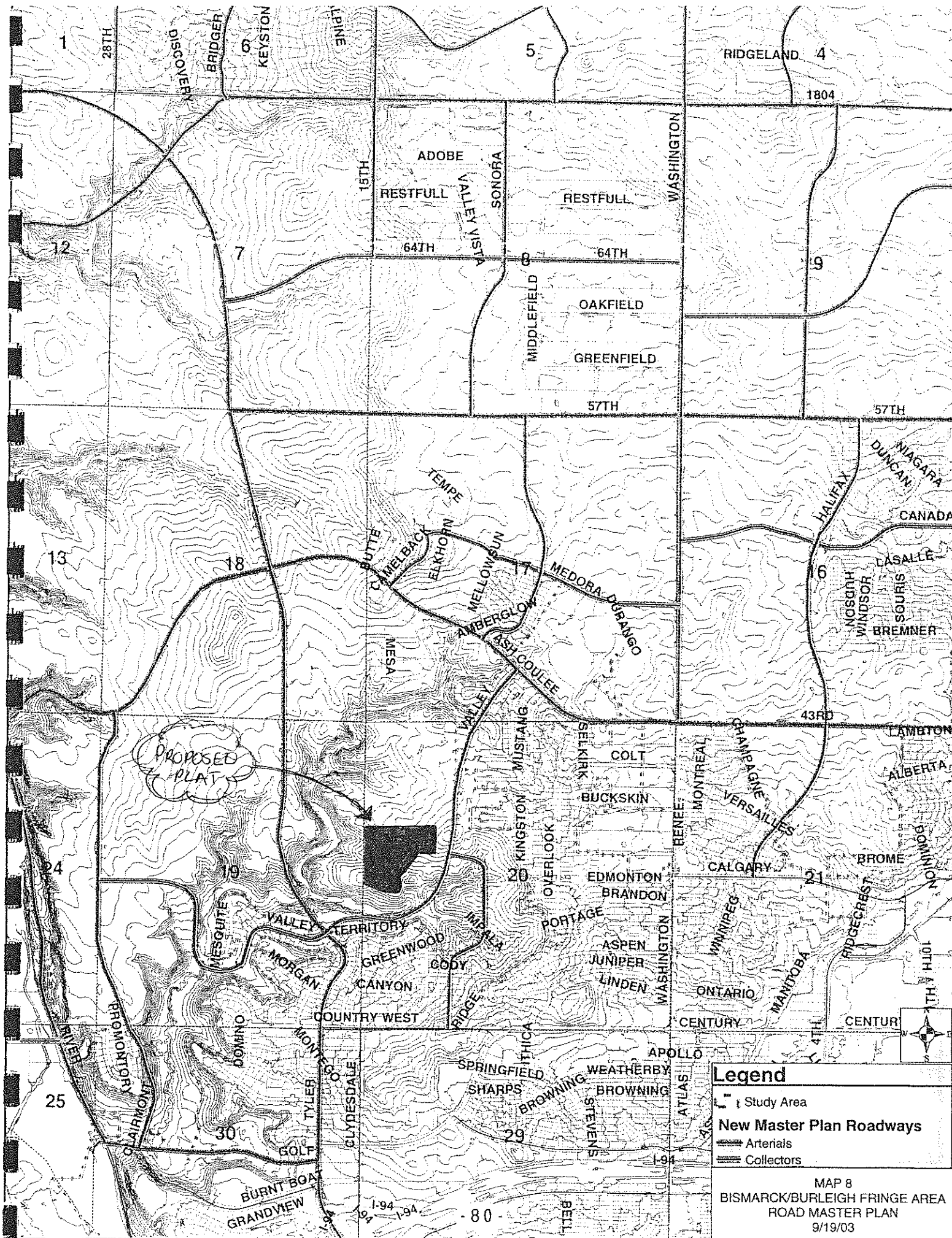
BASE OF BEARING
AND AT SOUTH STATE
DATE: 10/10/10



JANUARY 21, 2011
SCALE - 1"=40'
NOV029



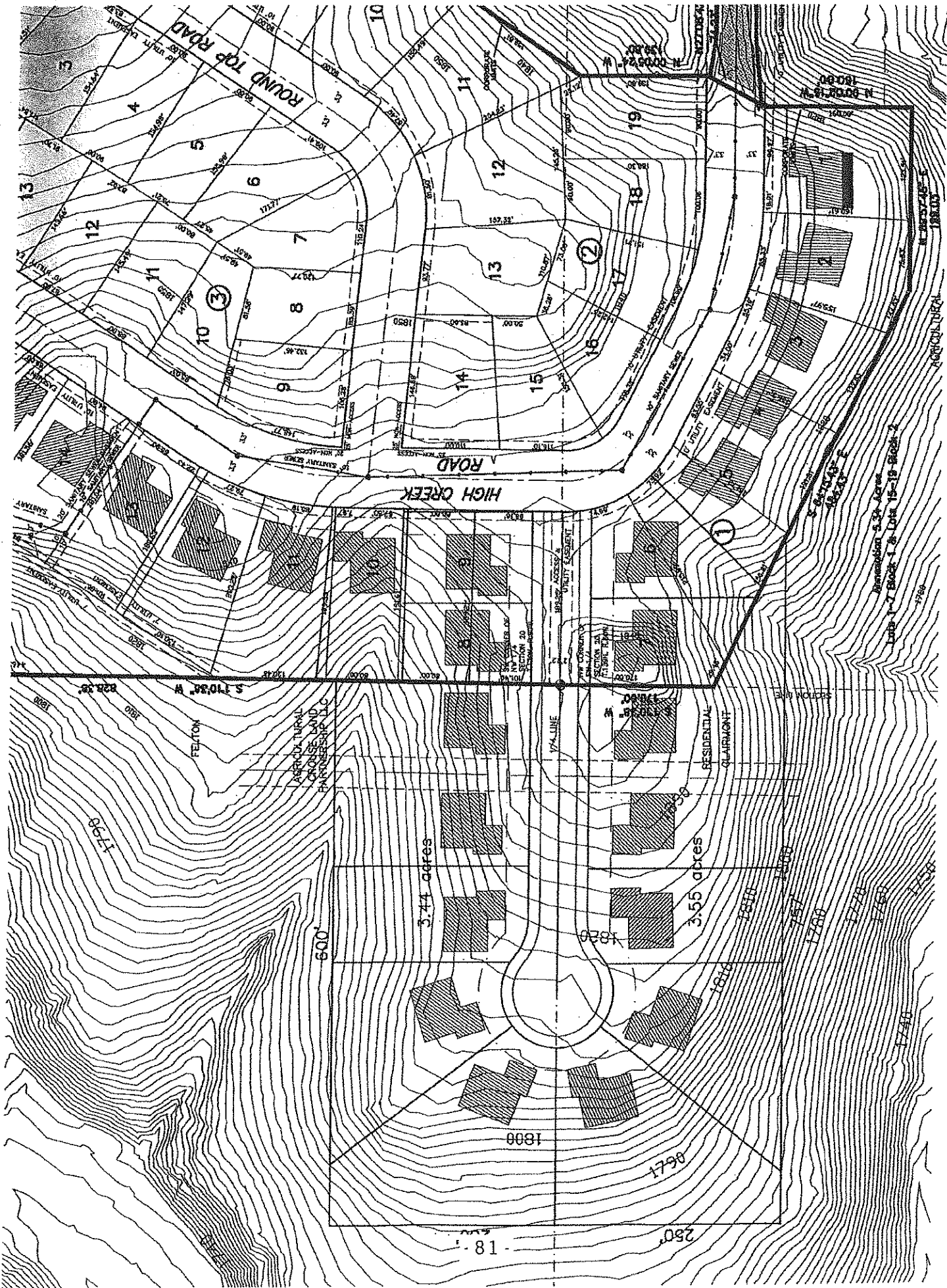
SWENSON, HAGER & COMPANY P.C.
ATTORNEYS AT LAW
1000 13TH AVE. S.W.
BISMARCK, ND 58501
701.281.1111
www.swhc.com



Legend

- Study Area
- New Master Plan Roadways
 - Arterials
 - Collectors

MAP 8
BISMARCK/BURLEIGH FRINGE AREA
ROAD MASTER PLAN
9/19/03



BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Part of Lots 10-12, Block 5, Haight & Little's Addition – Special Use Permit (Digital Billboard)		
Status: Planning Commission – Public Hearing	Date: April 27, 2011	
Owner(s): Denton Family Enterprises, LLP – owner Newman Outdoor Advertising – applicant	Engineer: N/A	
Reason for Request: Allow replacement of existing 14' x 48' billboard face with a 13'3" x 46'9" digital billboard face less than 300 feet from a residential zoning district.		
Location: Along the east side of State Street between Divide Avenue and Spaulding Avenue (1804 North 13 th Street).		
Project Size: 0.12 acres (L10-12)	Number of Lots: Part of one parcel	
EXISTING CONDITIONS:		
Land Use: Commercial (billboard)	PROPOSED CONDITIONS:	
Zoning: CG – Commercial	Land Use: Commercial (billboard/digital billboard)	
Uses Allowed: General commercial uses	Zoning: CG – Commercial	
Maximum Density Allowed: 42 units/acre	Uses Allowed: General commercial uses	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: Pre-1980	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. Section 4-04-12 of the City Code of Ordinances (Special Provisions for Digital Billboard Signs) includes a provision that digital billboards must be located at least 300 feet from any RR, RR5, R5, R10, RM or RMH zoning district, as measured from any part of the sign to the nearest property line in any residential zoning district. This distance may be reduced to 150 feet provided the following requirements are met: <ol style="list-style-type: none"> a. The digital billboard is oriented away from the residential property; b. No portion of the sign face or viewing surface of the digital billboard is visible from the residential property; and c. A special use permit is approved by the Planning & Zoning Commission in accordance with the provisions of Section 14-03-08. 2. A permit for the existing billboard structure was issued in 1987. The existing billboard structure is located within 300 feet of property in a residential zoning district. The applicants are requesting the special use permit to reduce this distance to 150 feet in accordance with the provisions of Section 4-04-12 (Special Provisions for Digital Billboards), subsection 5. A copy of this section is attached. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed digital billboard does not meet the provisions outlined in Section 4-04-12(5). In particular, the digital billboard is not oriented away from the residential property <u>and</u> the sign face or viewing surface of the digital billboard sign is clearly visible from the residential property located within 300 feet of the sign. 		

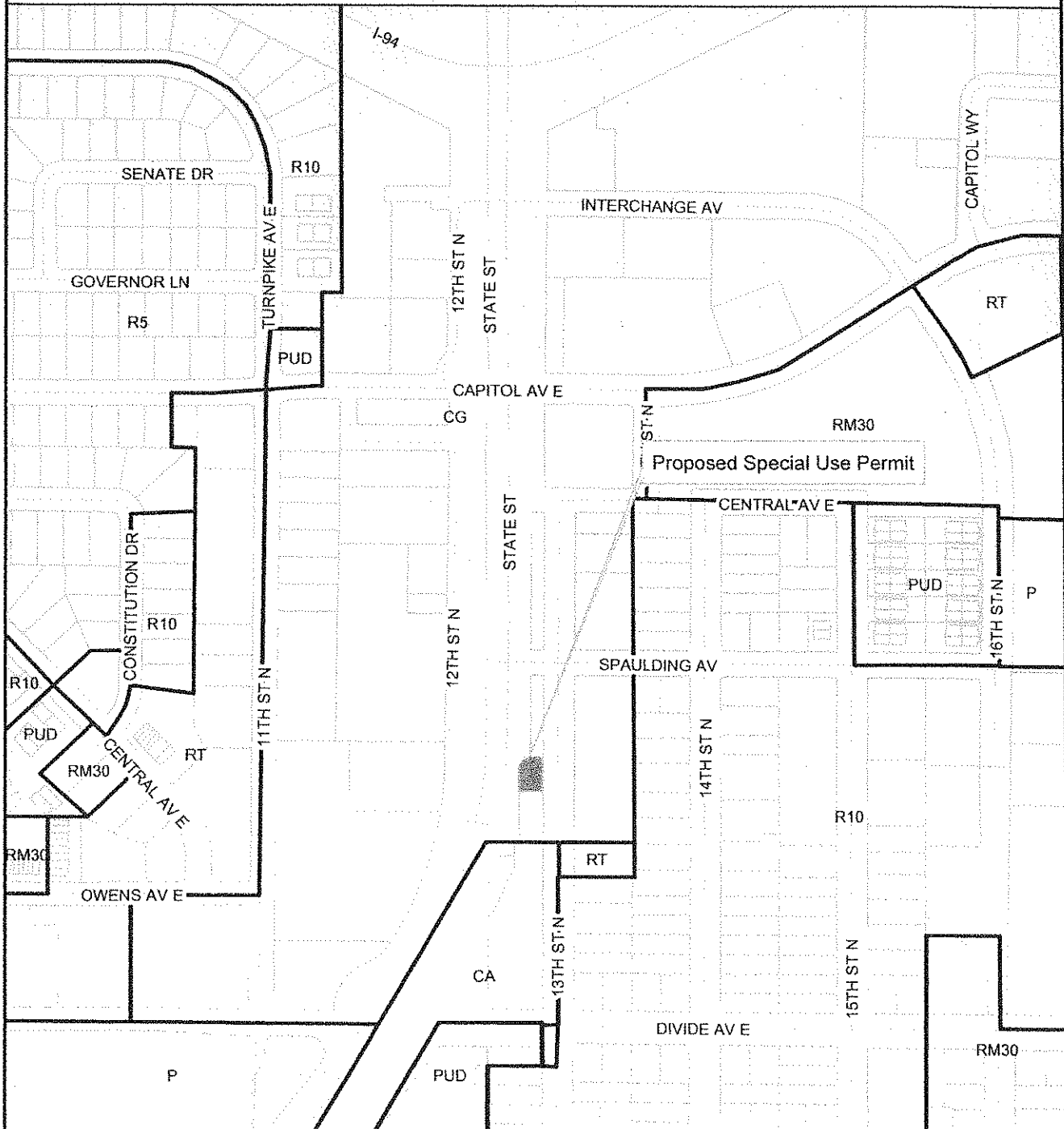
(continued)

2. The proposed special use is not in harmony with the purpose and intent of the zoning ordinance and the master plan of the City of Bismarck. In particular, the provisions established for granting a special use permit for a digital billboard in this location have not been met.
3. The proposed special use may adversely affect the public health, safety and general welfare.
4. The proposed special use may be detrimental to the use or development of adjacent properties.
5. The proposed special use will not comply with all special regulations established by Section 14-03-08 of the City Code of Ordinances, and all special conditions necessary for the safety and welfare of the public.

RECOMMENDATION:

Based on the above findings, staff recommends denial of the special use permit to allow the replacement of existing 14' x 48' billboard face with a 13'3" x 46'9" digital billboard face less than 300 feet from a residential zoning district.

Proposed Special Use Permit **Lots 10-12, Block 5, Haight and Little's Addition**



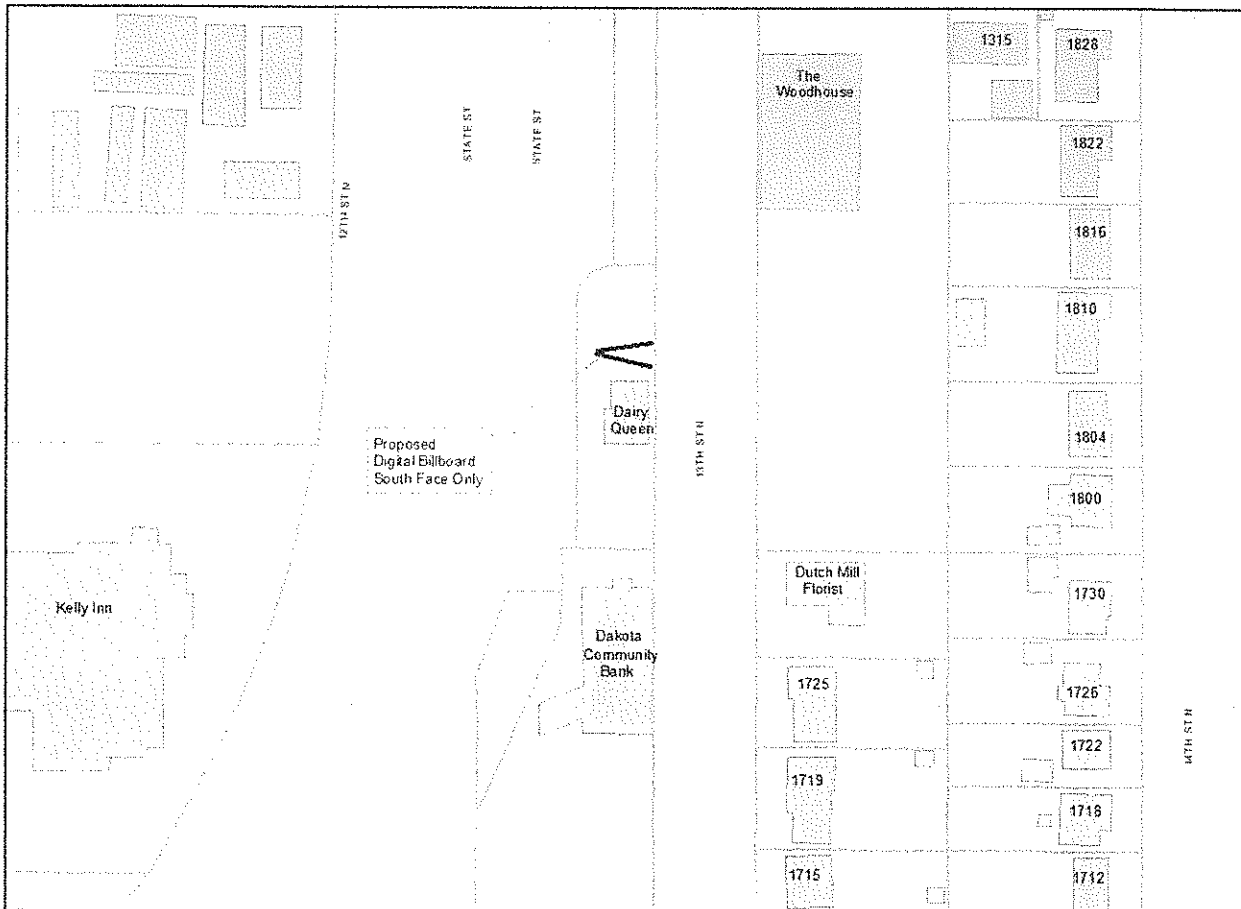
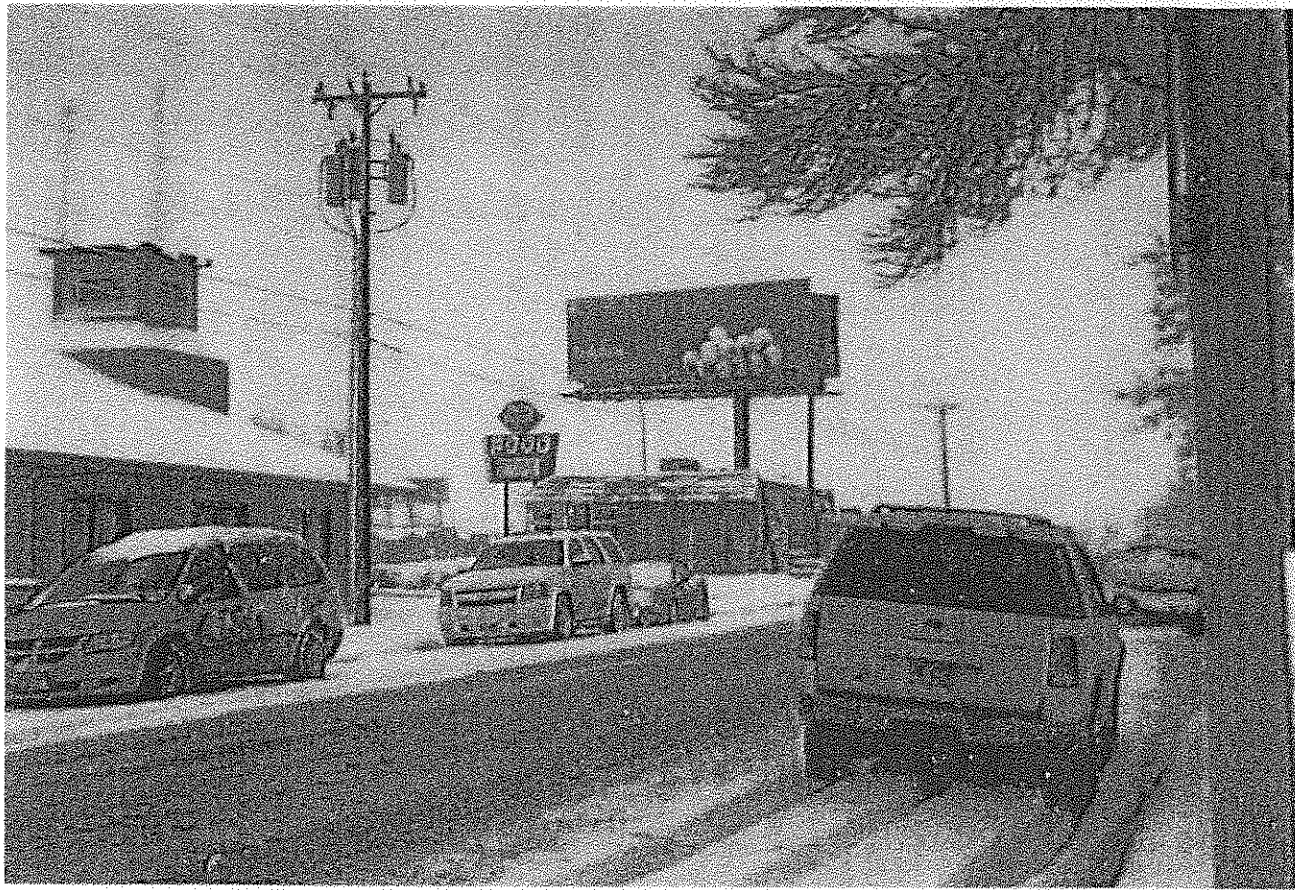
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
 Map was Updated/Created: March 3, 2011 (Kdg)

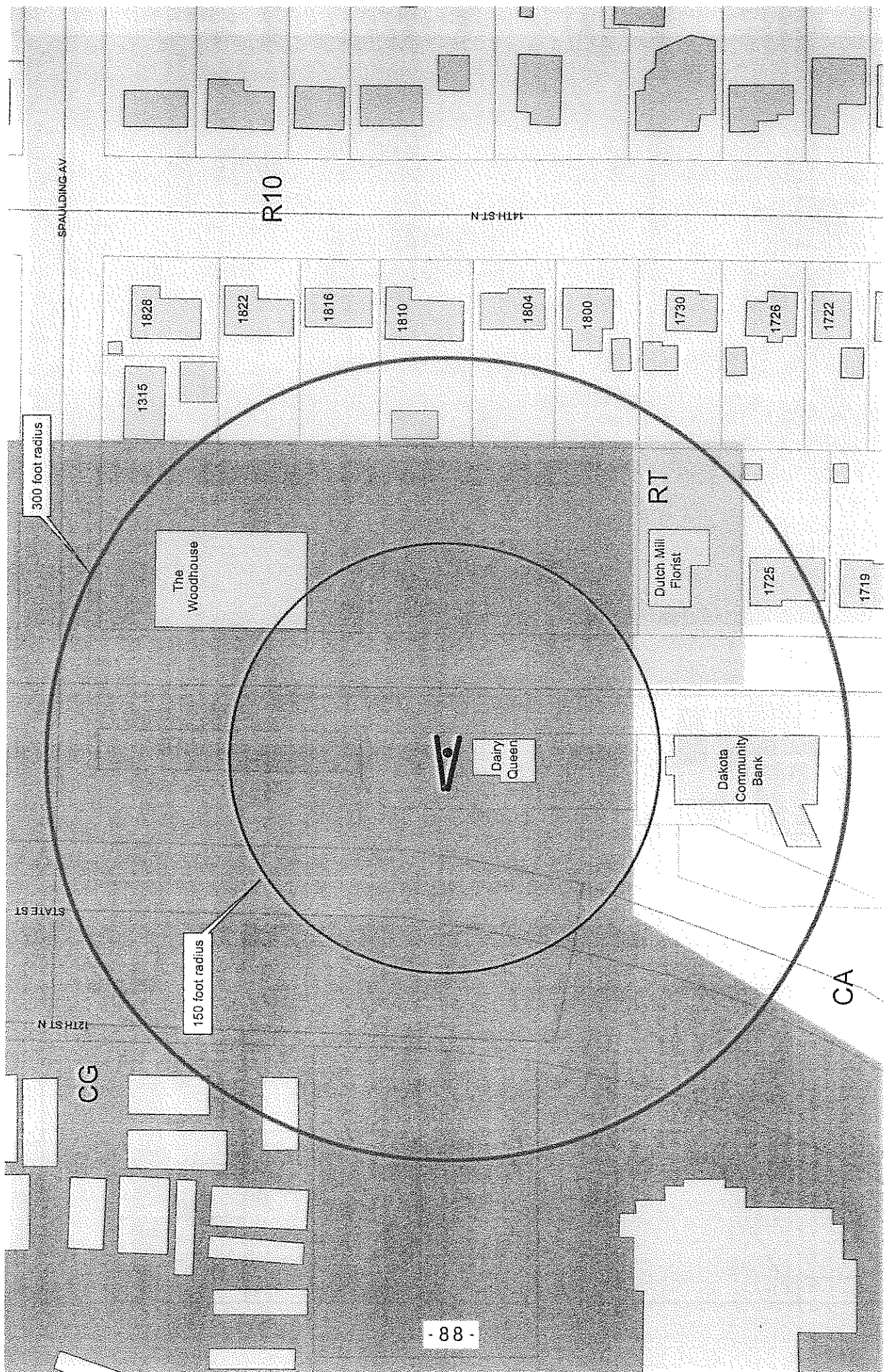
Source: City of Bismarck



0 295 590 Feet







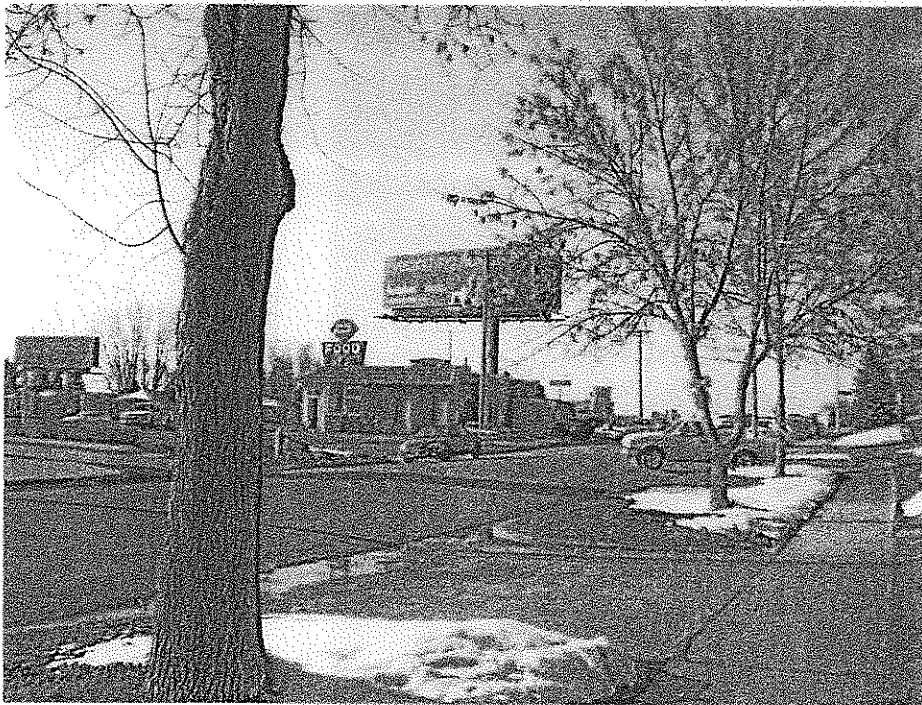


Photo taken from driveway at 1725 13th Street North (R10)

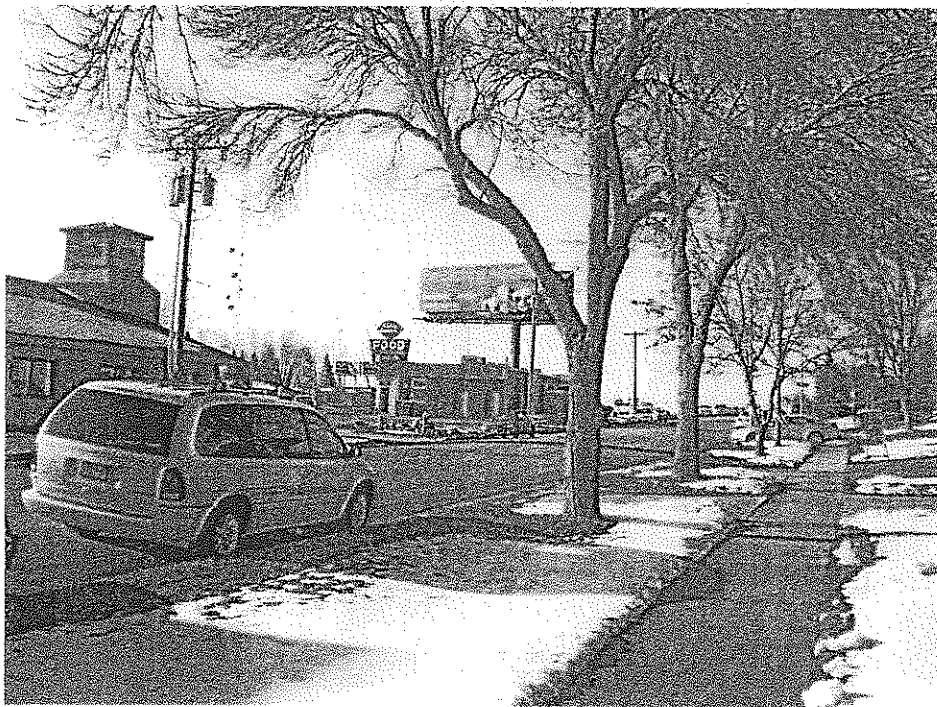


Photo taken from driveway at 1719 13th Street North (R10)



Photo taken from Dutch Mill Florist parking lot at property line adjacent to existing house on property at 1725 13th Street North



Photo taken from rear of Dutch Mill Florist property at rear property line adjacent to properties at 1730 14th Street North and 1800 14th Street North (R10)



Photo taken from rear yard of house at 1800 14th Street North (R10)



Photo taken between houses at 1726 and 1730 14th Street North (R10)

line within any residential zoning district, are subject to the following additional requirements:

a. The sign shall not exceed thirty-two (32) square feet in area, or fifty (50) percent of the total sign area, whichever is greater.

b. Between 7:00 a.m. and 10:00 p.m., the sign shall be allowed to operate in accordance with the provisions of Section 4-04-11(9) of this chapter. Between 10:00 p.m. and 7:00 a.m., the sign shall only display static images with a frame hold time of no less than three (3) seconds and shall be limited to instantaneous transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.

11. An electronic message center sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.

12. No portion of any existing sign shall be replaced with an electronic message center sign unless a sign permit is obtained for the new electronic message center sign.

*Sections 4-04-11(4), 4-04-11(9) and 4-04-11(10) shall apply retroactively to all signs.
(Ord. 5316, 05-25-04; Ord. 5704, 02-10-09)*

4-04-12. Special Provisions for Digital Billboard Signs.
In addition to other applicable provisions contained in this chapter, and the applicable regulations of the Federal Highway Administration and the North Dakota Department of Transportation, the following provisions shall apply to the placement and operation of digital billboard signs:

1. Digital billboard signs may only be used as off premise signs.

2. Digital billboards are permitted only in the MB-Industrial, MA-Industrial, and CG-Commercial zoning districts along roadways classified as principal arterials and minor arterials.

3. No digital billboard sign shall be permitted to operate unless it is equipped with:

a. A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and

b. A mechanism able to automatically adjust the illuminative brightness of the display according to

ambient light conditions by means of a light detector/photocell.

4. Digital billboards must be located at least three hundred (300) feet from any other non-digital ground sign (billboard), at least twelve hundred (1,200) feet from any other digital billboard, and at least five hundred (500) feet from an interstate interchange, as measured from any part of the sign to the nearest portion of any part of any other billboard sign on the same side of the roadway or to the nearest right-of-way line of the interchange.

5. Digital billboards must be located at least three hundred (300) feet from any RR-Residential, RR5-Residential, R5-Residential, R10-Residential, RM-Residential, or RMH-Residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district. This distance may be reduced to one hundred fifty (150) feet in accordance with the following provisions:

a. The digital billboard is oriented away from the residential property;

b. No portion of the sign face or viewing surface of the digital billboard is visible from the residential property; and

c. A special use permit is approved by the Planning and Zoning Commission in accordance with the provisions of Section 14-03-08.

6. Each digital billboard shall be limited to one continuous display area per face, which may not exceed eight hundred (800) square feet in area, sixteen (16) feet in height or fifty (50) feet in width. Digital billboards with two faces back-to-back shall be treated as one sign, provided said faces are parallel or have an angle of separation of no more than thirty (30) degrees.

7. A digital billboard sign shall not exceed fifty (50) feet in height, measured from the top of the nearest curbline to the top of the sign or structure. The display area of a digital billboard sign shall be located no less than ten (10) feet above the adjacent street grade.

8. No portion of any digital billboard sign shall project over the public right-of-way or any property line or be located within the sight triangle of intersecting streets.

9. Digital billboard signs shall have a frame hold time of no less than seven (7) seconds and must transition instantaneously from one static image to another static image without any special effects. The use of streaming video, full-motion video, animation or frame effects is prohibited.

10. A digital billboard sign cannot replace an existing billboard sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.

11. A digital billboard sign cannot replace an existing billboard sign unless a sign permit is obtained for the new digital billboard sign.

(Ord 5704, 02-10-09)

CHAPTER 4-05

MOVING AND DEMOLITION OF BUILDINGS AND STRUCTURES

4-05-01. Purpose. The purpose of this chapter is to establish and enforce minimum requirements for the demolition and moving of buildings and structures within the city's jurisdictional limits. This chapter is supplemental to all ordinances and regulations for use and occupancy.

(Ord. 5316, 05-25-04)

4-05-02. Permit Required. A permit is required for the demolition or moving of any building. The permit shall be issued by the building official, following application on forms furnished for that purpose, and determination that all requirements of this chapter have been or will be met. A permit will be issued only after the applicant has obtained a special use permit pursuant to Ordinance 14-03-08(4)(s) if the house is to be located within the zoning jurisdiction of the city.

(Ord. 4721, 08-22-95; Ord. 5316, 05-25-04; Ord. 5707, 02-24-09)

4-05-03. Demolition Permits. Demolition permits may be issued only on the following conditions:

1. The sewer and water connections must be disconnected from the city water and sewer system to the satisfaction of the city engineer.

2. Adjacent streets, sidewalks, and alleys will be properly protected by fences and scaffolds, and pedestrian traffic rerouted with approval of the city engineer.

3. All debris, rubbish, and combustible material must be removed from the premises upon completion of the demolition. Upon completion of the demolition the site must be filled and leveled with earth to conform with the grade of adjacent properties.

**CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
March 23, 2011**

The Bismarck Planning & Zoning Commission met on March 23, 2011, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Mel Bullinger, Jack Hegedus, Vernon Laning, Ken Selzler, Lisa Waldoch, John Warford and Wayne Yeager.

Commissioners Mark Armstrong, Jo Conmy and Curt Juhala were absent.

Staff members present were Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Gregg Greenquist – Planner, Jason Tomanek – Planner, Kimberley Gaffrey – Office Assistant III and Charlie Whitman – City Attorney.

Others present were Ron Lindquist – 1701 North 7th Street, Reinhold Kembel – 1020 Southport Loop, Patricia Lysengen – 1109 Southport Loop, Linda & Adam Butts – 1115 Southport Loop #4, Dave Thompson – 3003 Winnipeg Drive, Harvey Schneider – 501 1st Street Northwest, Mandan, Shelley Killen – 1125 Southport Loop #1, Kim Hoovestol – 1115 Southport Loop #2, James Aduddell – 3715 Jericho Road, Michael Vetter – 3709 Jericho Road, Eric Moritz – 2540 Marina Road Southeast and Jake Axtman and Dave Patience – 909 Basin Avenue.

MINUTES

Chairman Yeager called for consideration of the minutes of the February 23, 2011 meeting.

MOTION: Commissioner Warford made a motion to approve the minutes of the February 23, 2011 meeting as received. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE FROM R10-RESIDENTIAL TO R10-RESIDENTIAL, RM30-RESIDENTIAL, RMH-RESIDENTIAL AND CG-COMMERCIAL AND FINAL PLAT – STONECREST SECOND ADDITION

Chairman Yeager called for the public hearing for the zoning change from the R10-Residential zoning district to the R10-Residential, RM30-Residential, RMH-Residential and CG-Commercial zoning districts and final plat for Stonecrest Second Addition. The property is 19 lots in 7 blocks on 37.61 acres and is located in northeast Bismarck, less than 1/2 mile north of Century Avenue on the west side of Centennial Avenue (part of the N1/2 of the SE1/4 of Section 23, T139N-R80W/Hay Creek Township).

Mr. Greenquist provided an overview of the request and listed the following findings for the zoning change:

1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as general commercial west of Centennial Road with urban residential to the west of that (Bismarck-Mandan Regional Land Use Plan).
2. The proposed zoning change is compatible with adjacent land uses and would not adversely affect property in the vicinity. Adjacent land uses include single-family dwellings and a church to the south; the KOA campground to the north; and undeveloped land to the east and west.
3. The subdivision proposed for this property has already been annexed; therefore, the zoning change will not place an undue burden on public services and facilities.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Greenquist then listed the following findings for the plat:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed plat is compatible with adjacent land uses and would not adversely affect property in the vicinity. Adjacent land uses include single-family dwellings and a church to the south; the KOA campground to the north; and undeveloped land to the east and west.
4. The proposed subdivision complies with the Fringe Area Road Master Plan. Adequate right-of-way will be dedicated for Calgary Avenue. Adequate right-of-way already exists along Centennial Road.
5. The proposed subdivision will be an urban subdivision which has already been annexed, therefore, it will not place an undue burden on public services.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

Mr. Greenquist then listed the following additional information:

1. Blocks 2 and 3 of the proposed plat are longer than 900-feet. Per the Zoning Ordinance Section 14-09-05(3)(b): "Pedestrian walkways not less than twelve (12) feet wide may be required in blocks longer than nine hundred (900) feet where such crosswalks are deemed

by the planning commission to be essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, or other community facilities . . .”

2. The applicant had earlier requested walkways not be required (see 1/14/11 letter). The applicant has since agreed to include a pedestrian walkway through Block 3. Block 2 has steeper grades and locating a walkway at the middle of that block might encourage pedestrians to cross Calgary Avenue halfway between street intersection crosswalks, therefore a pedestrian walkway through Block 2 is not essential and not recommended.

Mr. Greenquist said based on the above findings, staff recommends approval of the zoning change from the R10-Residential zoning district to the RMH-Residential zoning district for Lot 1, Block 1; Lot 1, Block 2; Lots 1-3, Block 3; Lot 1, Block 4; and Lot 1, Block 5; to the R10-Residential zoning district for Lots 1-2, Block 6; to the RM30-Residential zoning district for Lots 2-3, Block 2; Lots 4-6, Block 3; and Lot 3, Block 6; and to the CG-Commercial zoning district for Lots 1-4, Block 7 and final plat for Stonecrest Second Addition.

Chairman Yeager called for the public hearing for the zoning change from the R10-Residential zoning district to the R10-Residential, RM30-Residential, RMH-Residential and CG-Commercial zoning districts and final plat for Stonecrest Second Addition.

Doug Larson submitted an email stating his support of Stonecrest Second Addition, attached as Exhibit A.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Warford made a motion to approve the zoning change from the R10-Residential zoning district to the RMH-Residential zoning district for Lot 1, Block 1; Lot 1, Block 2; Lots 1-3, Block 3; Lot 1, Block 4; and Lot 1, Block 5; to the R10-Residential zoning district for Lots 1-2, Block 6; to the RM30-Residential zoning district for Lots 2-3, Block 2; Lots 4-6, Block 3; and Lot 3, Block 6; and to the CG-Commercial zoning district for Lots 1-4, Block 7 and final plat for Stonecrest Second Addition. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE FROM R10-RESIDENTIAL, RM15-RESIDENTIAL AND P-PUBLIC TO R10-RESIDENTIAL, RM15-RESIDENTIAL AND P-PUBLIC AND FINAL PLAT – EDGEWOOD VILLAGE FOURTH ADDITION

Chairman Yeager called for the public hearing for the zoning change from the R10-Residential, RM15-Residential and P-Public zoning districts to the R10-Residential, RM15-Residential and P-Public zoning districts and final plat for Edgewood Village Fourth Addition. The property is 10 lots in 2 blocks on 15.49 acres and is located in northeast Bismarck, north of Century Avenue, between Colorado Drive and Nebraska Drive (a replat of Lots 9-26, Block 3, and Lots 1-17, Block 4, Edgewood Village Second Addition and the adjoining Montana Drive, in part of the SW1/4 of Section 23, T139N-R80W/Hay Creek Township).

Mr. Tomanek provided an overview of the request and listed the following findings for the zoning change:

1. The proposed zoning change is consistent with the Land Use Plan which identifies the long range use of this area as urban residential (Bismarck-Mandan Regional Land Use Plan).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developed single, two and multi-family subdivisions to the south, southeast and southwest, Edgewood Village to the west, undeveloped, single, two and multi-family zoning to the north and undeveloped multi-family zoned property to the east.
3. The property is already annexed; therefore the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change would not adversely affect property in the vicinity if the orientation and main entrance of the proposed building recognizes Nebraska Drive as the collector roadway.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek then listed the following findings for the plat:

1. All technical requirements for approval of a final plat have been met.
2. The proposed subdivision generally conforms with the Fringe Area Road Master Plan, which identifies Nebraska Drive as the north-south collector roadway for Section 23.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developed single, two and multi-family subdivisions to the south, southeast and southwest, Edgewood Village to the west, undeveloped, single, two and multi-family zoning to the north and undeveloped multi-family zoned property to the east.
5. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services.
6. The proposed subdivision would not adversely affect property in the vicinity if the orientation and main entrance of the proposed building recognizes Nebraska Drive as the collector roadway.

7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek then listed the following additional information:

1. Preliminary concept plans have been submitted for the proposed Lot 1, Block 1. The conceptual plans illustrate a skilled care facility with parking and open spaces incorporated into the plans and primary access on Nebraska Drive. Formal site plans have not been submitted for staff review at this time.

Mr. Tomanek said based on the above findings, staff recommends approval of the zoning change from the R10-Residential, RM15-Residential and P-Public zoning districts to the R10-Residential zoning district for Lots 1-8, Block 2, to the RM15-Residential zoning districts for Lot 1, Block 1 and to the P-Public zoning district for Lot 9, Block 2 and final plat for Edgewood Village Fourth Addition.

Chairman Yeager called for the public hearing for the zoning change from R10-Residential, RM15-Residential and P-Public zoning districts to the R10-Residential, RM15-Residential and P-Public zoning districts and final plat for Edgewood Village Fourth Addition.

Jerry and Shirley Fischer submitted an email stating their opposition to Edgewood Village Fourth Addition, attached as Exhibit B.

Commissioner Hegedus asked how many stories the proposed building will have. Mr. Tomanek responded by saying a formal site plan has not been submitted and that would be better answered by the consulting engineer.

Dave Patience, with Swenson Hagen & Co., said he does not have any information at this time as to the size of the care facility, only that a single story building is proposed.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Hegedus made a motion to approve the zoning change from the R10-Residential, RM15-Residential and P-Public zoning districts to the R10-Residential zoning district for Lots 1-8, Block 2, to the RM15-Residential zoning districts for Lot 1, Block 1 and to the P-Public zoning district for Lot 9, Block 2 and final plat for Edgewood Village Fourth Addition. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE FROM RM30-RESIDENTIAL TO R10-RESIDENTIAL – LOT 13, BLOCK 1 AND LOT 13, BLOCK 2, JENNINGS FIRST ADDITION

Chairman Yeager called for the public hearing for the zoning change from the RM30-Residential zoning district to the R10-Residential zoning district for Lot 13, Block 1 and Lot 13, Block 2, Jennings First Addition. The property is 2 lots in 2 blocks (3 parcels) on 16,974 square feet and is located along both sides of North 7th Street at the intersection with Divide Avenue.

Ms. Lee provided an overview of the request and listed the following findings for the zoning change:

1. This area developed in the 1950s and is outside of the area covered by the Land Use Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family to the east, single-family residential to the north, two-family residential to the west and the State Capitol grounds to the south.
3. The property is already developed; therefore, the proposed zoning change will not place an undue burden on public services.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on the above findings, staff recommends approval of the zoning change from the RM30-Residential zoning district to the R10-Residential zoning district for Lot 13, Block 1 and Lot 13, Block 2, Jennings First Addition.

Chairman Yeager called for the public hearing for the zoning change from the RM30-Residential zoning district to the R10-Residential zoning district Lot 13, Block 1 and Lot 13, Block 2, Jennings First Addition.

Todd Lindquist asked what the difference is between R5-Residential and R10-Residential zoning. Ms. Lee responded by saying that R5-Residential allows only single-family dwellings and the R10-Residential allows single and two family dwellings.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Laning made a motion to approve the zoning change from the RM30-Residential zoning district to the R10-Residential zoning district for Lot 13, Block 1 and Lot 13, Block 2, Jennings First Addition. Commissioner Atkinson seconded the motion and it was

unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING –MAJOR PUD-PLANNED UNIT DEVELOPMENT AMENDMENT – SOUTHPORT PHASE II

Chairman Yeager called for the public hearing for the Major PUD-Planned Unit Development Amendment for Southport Phase II. The PUD amendment would allow the two story portion of the convenience store/bar/restaurant building on Lot 6 to be used as office space rather than a bar/restaurant. The property is located along the west side of Riverwood Drive south of Bismarck Expressway

Ms. Lee provided an overview of the request and listed the following findings for the PUD-Planned Unit Development Amendment:

1. All technical requirements for approval of a major PUD amendment have been met.
2. The PUD as amended would not be any less compatible with the adjacent land uses than uses allowed in the approved PUD. Adjacent land uses include a variety of residential uses to the north, west and south and a public golf course, archery facility and open space to the east.
3. The property is already being developed; therefore, the PUD as amended would not place an undue burden on public services.
4. The PUD as amended is consistent with adopted plans, policies and accepted planning practice. It is also consistent with the original PUD, which includes all of the commercial uses on Lot 6 with direct access on a public right of way.

Ms. Lee then listed the following additional information:

1. Southport Phase II was part of the original Southport PUD approved in 1992. In 1996, this area was replatted as Southport Phase II and the original PUD was amended to allow for 86 residential units, a marina, a restaurant, a convenience store, an office, a recreation area, and 15 acres of common area. Development of the PUD and the various land uses were tied to an approved site plan.
2. In 1997, the Southport Phase II PUD was amended to allow “a mixed use development, including a maximum of 96 residential units, constructed in 2 and 4 unit buildings; commercial buildings, including offices, a restaurant, and a convenience store/fuel dispensing station; and a marina and its accessory uses. All buildings within the PUD shall not exceed 2 stories in height.” The proposed changes were tied to a modified site plan, which included a 25’ x 80’ (2000sf) convenience store/fuel dispensing station on Lot 6 in the northwest quadrant of the intersection of Riverwood Drive and Southport Loop. The southern portion of Lot 1 (west of channel) continued to be designated as a commercial area with offices, a marina and a restaurant.

3. There were two amendments to the PUD in 1998. The first amendment allowed the addition of a new building plan for the residential portion of the development. The second amendment allowed on-sale beer sales within the convenience store and the construction of a 42' x 48' deck on the northern end of the building.
4. In 2000, the PUD was amended to allow the southern portion of Lot 1 (west of channel) to be developed as residential rather than the commercial uses originally approved (office, restaurant, marina). The amendment also allowed the designated restaurant area to be moved to the north end of Lot 2 (west of the channel), increased the total number of residential units allowed to 123, continued to include parking for marina use on Lot 1, and eliminated proposed office uses on Lot 1.
5. A proposed amendment in 2002 to expand the convenience store was withdrawn by the applicant.
6. In 2002, the PUD was amended to allow to allow the replacement of the restaurant use on Lot 2 with six dwelling units (three twinhomes) and consolidate the commercial aspects of the original PUD in one location on Lot 6 (referred to as the convenience store/bar/restaurant building).
7. The PUD amendment as proposed would convert the two-story portion of the existing convenience store/bar/restaurant to an office use, eliminate the convenience store and expand the bar/restaurant operation into the portion of the building now occupied by the convenience store, add 960 square feet of deck space to the deck adjacent to the one-story portion of the building for and construct a 100 square foot kiosk near the end of the southernmost deck for sale of gas and minor convenience items in the marina.

Ms. Lee said based on the above findings, staff recommends approval of the major PUD amendment for Southport Phase II.

Chairman Yeager called for the public hearing for the major PUD amendment for Southport Phase II.

Dave Patience, with Swenson Hagen & Co., said that the Moritz family is more interested in the marina portion of the business. Mr. Patience went on to say that the two-story portion of the building is being sold as an office use and the two decks will be portioned off and will not have public access. He added that more deck space will be added on the main level.

Linda Butts said she is concerned with the PUD-Planned Unit Development amendment because the City keeps allowing amendments to the PUD-Planned Unit Development, adding that the extension of the deck to the west will bring the noise that much closer to her house. Ms. Butts stated that she would like to see the noise ordinance continue to be enforced.

Patti Lysengen said she and her husband are concerned with the space where the boats refuel because there have been several near misses already. She added that after reviewing the drawing, it appears the dock where the kiosk is going to be located will be extended and that will make the water area decreased, creating an even greater unsafe condition. Ms. Lysengen stated that she is also concerned about the noise. Larry and Patti Lysengen also submitted an email

stating their opposition of the Southport Phase II – Major PUD-Planned Unit Development Amendment, attached as Exhibit C.

Dave Patience explained that the kiosk for fuel will be added to the existing dock and there will not be an extension at this time. He went on to say that the business purchasing the two story portion of the building has normal operating hours of 8:00 am to 5:00 pm and if there is a disturbance the Bismarck Police Department would have to be called.

Alan Butts stated that the residents of Southport do not want to have to call the police on their neighbors and hopes the noise ordinance will continue to be honored and enforced.

Commissioner Warford inquired if the office decks will have the same noise ordinance requirement of 10:00 pm on the weekdays and 11:00 pm on the weekends. Charlie Whitman responded by saying the office decks will not have the same requirement of clearing the decks like the requirements included in the liquor license and will be treated just like any of the neighbors that have decks.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Selzler made a motion to approve the major PUD amendment for Southport Phase II, with the understanding that in accordance with the liquor license, the Pier decks will be cleared at 10:00 pm on the weekdays and 11:00 on the weekends. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – SPECIAL USE PERMITS (ROADWAY MAINTENANCE FACILITIES)

Chairman Yeager called for the public hearing for the zoning ordinance text amendment relative to special uses (roadway maintenance facilities).

Ms. Lee provided an overview of the zoning ordinance text amendment for special uses (roadway maintenance facilities). The proposed amendment would create provisions to allow roadway maintenance facilities necessary for the provision of services by a governmental entity as a special use in the A-Agricultural zoning district.

Ms. Lee said staff recommends approval of the zoning ordinance text amendment for special uses (roadway maintenance facilities), as presented.

Chairman Yeager opened the public hearing for the zoning ordinance text amendment relative to special uses (roadway maintenance facilities).

There was no public comment.

Chairman Yeager closed the public hearing.

MOTION: Commissioner Hegedus made a motion to approve the zoning ordinance text amendment relative to special uses (roadway maintenance facilities). Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – SUBDIVISION REGULATIONS (LOT MODIFICATIONS)

Chairman Yeager called for the public hearing for the zoning ordinance text amendment relative to subdivision regulations (lot modifications).

Ms. Lee provided an overview of the zoning ordinance text amendment for subdivision regulations (lot modifications). The proposed amendments would clarify the provisions for administratively splitting platted lots.

Ms. Lee said staff recommends approval of the zoning ordinance text amendment for subdivision regulations (lot modifications), as presented.

Chairman Yeager opened the public hearing for the zoning ordinance text amendment relative to subdivision regulations (lot modifications).

There was no public comment.

Chairman Yeager closed the public hearing.

MOTION: Commissioner Hegedus made a motion to approve the zoning ordinance text amendment relative to subdivision regulations (lot modifications). Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Hegedus, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

2010 ANNUAL REPORT

Ms. Lee distributed the 2010 Community Development Annual Report to each of the Bismarck Planning & Zoning Commissioners.

ELECTION OF OFFICERS

MOTION: Commissioner Warford made a motion to elect Wayne Yeager as Chairman and Mark Armstrong as Vice Chairman of the Bismarck Planning & Zoning Commission. Commissioner Waldoch seconded the motion and it was unanimously approved with Atkinson, Bullinger, Hegedus, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:53 p.m. to meet again on April 27, 2011.

Respectfully submitted,

Kimberley Gaffrey
Recording Secretary

Wayne Yeager
Chairman

Gregg Greenquist

Subject: FW: City Zoning and Planning Commission meeting

From: doug and jane
Sent: Wednesday, March 23, 2011 7:19 AM
To: cobplan@nd.gov
Subject: City Zoning and Planning Commission meeting

Greg Greenquist

In case I can't make it to the Wed night meeting, Mar 23, 2011, as a resident near Liechty Homes, Inc proposed development named Stonecrest Second Addition, based on my conversation with Kent French, I would support the zoning changes he is requesting.

Thank you
Doug Larson
3288 Bethany Loop
58503

Jason Tomanek

From: Cobplan [cobplan@nd.gov]
Sent: Monday, March 21, 2011 4:48 PM
To: jtomanek@nd.gov
Subject: FW: Edgewood Village 2nd addition plat approval

-----Original Message-----

From: jsfischer [mailto:jsfischer@nd.gov]
Sent: Sunday, March 20, 2011 10:24 PM
To: cobplan@nd.gov
Cc: davek [mailto:davek@nd.gov]
Subject: Edgewood Village 2nd addition plat approval

This letter is in response to the notification of a meeting being held on Wednesday, March 23, 2011 at which time Edgewood Village 2nd Addition LLLP is requesting a final plat approval. We understand that this request is related to the proposed construction of a nursing home and possible other enterprises.

We purchased a lot on the cul-de-sac called Edgewood Place. We carefully selected this lot in October 2009 for our retirement home. Our selection was based upon a development map shown to us at that time by Edgewood Development. This map indicated that the view from our living area would look to the east and it showed twin homes and single family homes that were to be developed in that area. At that time, there was no mention of any other type of construction being considered..

If the proposed changes do result in a multi-story commercial enterprise (a nursing home, etc) being constructed, instead of the individual dwellings we were originally shown on the map, it certainly changes how we feel about Edgewood Development LLLP and our choice of a lot for retirement living. The proposed changes are likely to result in increased traffic and noise in what was supposed to be a quiet retirement community.

We finished construction on our new home in September, 2010, only to find out that our surroundings will not be as originally presented to us. This is very disconcerting to us and it would be our wish that it would not happen..

Jerry and Shirley Fischer
3406 Edgewood Place
Bismarck, ND 58503

Kim Lee

From: Cobplan [cobplan@nd.gov]
Sent: Wednesday, March 23, 2011 8:16 AM
To: klee@nd.gov
Subject: FW: Southport Marina LLP request for PUD-Planned Unit Development for Southport Phase II

From: PLysengen@[REDACTED] [mailto:[REDACTED]]
Sent: Tuesday, March 22, 2011 9:25 PM
To: cobplan@nd.gov; Patricia Lysengen
Cc: Larry Lysengen
Subject: Southport Marina LLP request for PUD-Planned Unit Development for Southport Phase II

My husband I received the March 11, 2011, letter from the Bismarck Community Development Department regarding the above topic. After reading the description of the modifications we have the following concerns.

1. Concern of creating an unsafe condition. Extending the dock an additional 480 square feet on the west side of the existing dock will create unsafe conditions during the time water craft are refueling. With the present conditions there have been near misses when two boats coming from opposite directions pass this location while refueling is in progress. Decreasing the size of this area with this modification will magnify this unsafe condition. A possible option may be to extend the deck as it is to the end of the building going south.
2. Concern of increasing unwanted noise. Sound carries over water. The noise level with the present deck area is acutely heard throughout the Southport neighborhood marina side. The concern is that all past noise requirements will not remain in effect; 11:00 p.m. curfew on noise volume and all occupants of the deck are moved inside the restaurant.

Sincerely,

Larry and Patti Lysengen
1109 Southport Loop
phone: [REDACTED]

Exhibit C

**Major Permit Activity
March 2011**

Non-deeded Owner:	Belle Mehus
Address:	201 North 6th Street
Cost:	\$416,400.00
Description:	Remove and replace existing roofing and seal block walls

Non-deeded Owner:	State Pen - Admin Building
Address:	3100 Railroad Avenue
Cost:	\$4,741,181.00
Description:	Two story administration building

Non-deeded Owner:	State Penitentiary
Address:	3100 Railroad Avenue
Cost:	\$38,360,467.00
Description:	New inmate housing and remodel of existing housing

DATE SELECTION 3/2011

Permit Type	***** City *****				***** ETA *****				***** County *****			
	3/2011		3/2010		3/2011		3/2010		3/2011		3/2010	
	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
SINGLE FAMILY DETACHED	5	1,011,857.00	10	1,466,054.00	13	2,082,996.00	6	1,038,643.00	0	.00	1	186,064.00
SINGLE FAMILY ATTACHED	0	.00	6	986,111.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	0	.00	1	950,000.00	0	.00	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MANUFACTURED HOMES	1	.00	1	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	1	31,516.00	0	.00	0	.00	0	.00	0	.00
HOTELS	0	.00	1	4,362,000.00	0	.00	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	0	.00	2	4,380,824.00	0	.00	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	0	.00	1	377,617.00	0	.00	0	.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	0	.00	1	189,256.00	0	.00	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER STRUCTURES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
PUBLIC BUILDING	4	43,301,552.00	0	.00	0	.00	0	.00	0	.00	0	.00
ROOM ADDITIONS	0	.00	0	.00	0	.00	1	130,000.00	0	.00	0	.00
RESIDENTIAL GARAGES	1	14,336.00	2	14,034.00	1	19,200.00	3	32,640.00	0	.00	4	173,088.00
PATIOS AND COVERS	0	.00	5	9,445.00	0	.00	0	.00	0	.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	6	43,200.00	25	173,559.00	0	.00	1	44,000.00	0	.00	0	.00
HOME OCCUPATIONS	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
STORAGE SHEDS	0	.00	2	3,125.00	0	.00	1	1,500.00	0	.00	0	.00
BASEMENT FINISH	18	110,724.00	22	107,033.00	5	24,989.00	5	18,629.00	0	.00	0	.00
INDUSTRIAL BUILDINGS	2	76,140.00	1	271,382.00	0	.00	0	.00	0	.00	0	.00
COMMERCIAL BUILDINGS	5	384,551.00	3	38,878.00	0	.00	0	.00	0	.00	0	.00

DATE SELECTION 3/2011

Permit Type	***** City *****				***** ETA *****				***** County *****			
	3/2011		3/2010		3/2011		3/2010		3/2011		3/2010	
	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
OFFICE & PROFESSIONAL BLD	4	451,869.00	11	1,509,416.00	0	.00	0	.00	0	.00	0	.00
OTHER	1	11,000.00	1	44,800.00	0	.00	0	.00	0	.00	0	.00
ALTER PUBLIC	1	416,400.00	1	25,000.00	0	.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	1	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	1	.00	1	.00	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	6	94,111.00	4	21,238.00	0	.00	1	1,945.00	0	.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
Permit Type Total	56	45,915,740.00	104	14,981,288.00	19	2,127,185.00	18	1,267,357.00	0	.00	5	359,152.00

DATE SELECTION 3/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	3/2011 Permits	3/2010 Permits	3/2011 Permits	3/2010 Permits	3/2011 Permits	3/2010 Permits
Plumbing	22	34	2	3	0	0
Electrical	81	89	0	0	0	0
Mechanical	136	103	19	16	1	1
Drain Field	0	0	2	1	0	0
Hood Suppression	1	4	0	0	0	0
SprinklerStandpipe	2	1	0	0	0	0
Alarm Detection	5	0	0	0	0	0
Total	247	231	23	20	1	1

DATE SELECTION 3/2011

	***** City *****		***** ETA *****		***** County *****	
Living Units	Units 3/2011	Units 3/2010	Units 3/2011	Units 3/2010	Units 3/2011	Units 3/2010
SINGLE FAMILY DETACHED	5	10	13	6	0	1
SINGLE FAMILY ATTACHED	0	6	0	0	0	0
FIVE & MORE FAMILY	0	9	0	0	0	0
BASEMENT FINISH	3	1	0	0	0	0
Total	8	26	13	6	0	1

PERMIT LOCATION	PERMIT NUMBER	PROPERTY ADDRESS	DATE SELECTION 03/2011	OWNERS NAME CONTRACTOR	VALUATION
CITY OF BISMARCK	2011-0000145	3100 RAILROAD AV		STATE PEN - ADMIN BUILDING NORTHWEST CONTRACTING INC	4,741,181.00
CITY OF BISMARCK	2011-0000147	3100 RAILROAD AV		STATE PENITENTIAIRY NORTHWEST CONTRACTING INC	38,360,467.00

DATE SELECTION 3/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	3/2011 Permits Valuation	3/2010 Permits Valuation	3/2011 Permits Valuation	3/2010 Permits Valuation	3/2011 Permits Valuation	3/2010 Permits Valuation
SINGLE FAMILY DETACHED	9 1,435,155.00	14 2,174,990.00	14 2,264,006.00	6 1,038,643.00	0 .00	1 186,064.00
SINGLE FAMILY ATTACHED	0 .00	6 986,111.00	0 .00	0 .00	0 .00	0 .00
TWO UNIT	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
THREE & FOUR FAMILY	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
FIVE & MORE FAMILY	0 .00	1 950,000.00	0 .00	0 .00	0 .00	0 .00
CONDO/TOWNHOUSE-1 HR.WALL	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
MANUFACTURED HOMES	2 2,520.00	2 .00	0 .00	0 .00	0 .00	0 .00
MOBILE HOME WITHOUT EXTRA	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
MOBILE HOME WITH EXTRAS	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
MOBILE HOME MISCELLANEOUS	0 .00	1 31,516.00	0 .00	0 .00	0 .00	0 .00
HOTELS	0 .00	1 4,362,000.00	0 .00	0 .00	0 .00	0 .00
MOTELS	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
GROUP QUARTERS	0 .00	2 144,700.00	0 .00	0 .00	0 .00	0 .00
NON-STRUCTURAL DEVELOPMEN	0 .00	2 4,380,824.00	0 .00	0 .00	0 .00	0 .00
AMUSEMENT & RECREATION	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
CHURCHES AND RELIGIOUS	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
INDUSTRIAL	0 .00	1 377,617.00	0 .00	0 .00	0 .00	0 .00
RESEARCH & DEVELOPMENT	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
AUTO SERVICE AND REPAIR	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
HOSPITALS & INSTITUTIONAL	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
OFFICE, BANK & PROFESSION	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
SCHOOLS AND EDUCATIONAL	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
COMM (RETAIL SALES)	0 .00	1 189,256.00	0 .00	0 .00	0 .00	0 .00
OTHER (PUBLIC PARKING GAR	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
OTHER STRUCTURES	0 .00	1 85,114.00	0 .00	0 .00	0 .00	0 .00
PUBLIC BUILDING	4 43,301,552.00	0 .00	0 .00	0 .00	0 .00	0 .00
ROOM ADDITIONS	1 42,900.00	0 .00	0 .00	2 226,115.00	0 .00	0 .00
RESIDENTIAL GARAGES	1 14,336.00	3 35,154.00	2 41,600.00	3 32,640.00	3 136,180.00	4 173,088.00
PATIOS AND COVERS	0 .00	5 9,445.00	0 .00	0 .00	0 .00	0 .00
SWIMMING POOLS AND SPAS	0 .00	0 .00	0 .00	0 .00	0 .00	0 .00
OTHER	16 237,600.00	34 834,722.00	0 .00	3 76,500.00	0 .00	1 5,000.00
HOME OCCUPATIONS	0 .00	2 .00	0 .00	0 .00	0 .00	0 .00
STORAGE SHEDS	1 800.00	2 3,125.00	0 .00	1 1,500.00	0 .00	0 .00
BASEMENT FINISH	53 280,410.00	42 199,567.00	11 61,596.00	15 71,608.00	0 .00	2 12,650.00
INDUSTRIAL BUILDINGS	2 76,140.00	2 276,582.00	0 .00	0 .00	0 .00	0 .00
COMMERCIAL BUILDINGS	14 1,927,626.00	7 232,978.00	1 84,100.00	0 .00	0 .00	0 .00

DATE SELECTION 3/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	3/2011 Permits	Valuation	3/2010 Permits	Valuation	3/2011 Permits	Valuation
OFFICE & PROFESSIONAL BLD	11	2,412,312.00	21	2,558,570.00	0	.00
OTHER	1	11,000.00	1	44,800.00	0	.00
ALTER PUBLIC	2	425,129.00	2	425,000.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00
RESIDENTIAL	1	.00	0	.00	0	.00
OTHER	6	.00	1	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	1	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00
NEW SIGN PERMIT	12	174,266.00	8	38,188.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00
	136	50,341,746.00	163	18,340,259.00	28	2,451,302.00
					31	1,448,951.00
					3	136,180.00
					8	376,802.00

DATE SELECTION 3/2011

	***** City *****		***** ETA *****		***** County *****	
Permit Type	3/2011 Permits	3/2010 Permits	3/2011 Permits	3/2010 Permits	3/2011 Permits	3/2010 Permits
Plumbing	64	63	8	6	0	0
Electrical	244	179	0	0	0	0
Mechanical	327	236	45	33	3	5
Drain Field	0	0	2	1	0	0
Hood Suppression	1	4	0	0	0	0
SprinklerStandpipe	2	1	0	0	0	0
Alarm Detection	5	0	0	0	0	0
Total	650	487	55	40	3	5

DATE SELECTION 3/2011

Living Units	***** City *****		***** ETA *****		***** County *****	
	Units 3/2011	Units 3/2010	Units 3/2011	Units 3/2010	Units 3/2011	Units 3/2010
SINGLE FAMILY DETACHED	8	14	14	6	0	1
SINGLE FAMILY ATTACHED	0	6	0	0	0	0
FIVE & MORE FAMILY	0	9	0	0	0	0
GROUP QUARTERS	0	2	0	0	0	0
BASEMENT FINISH	5	3	0	1	0	0
Total	13	34	14	7	0	1